

PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL
OF THE
LIEUTENANT-GOVERNOR OF THE PUNJAB.
1911.
(WITH INDEX.)

VOLUME II.

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1911.

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PUNJAB GOVERNMENT.
LEGISLATIVE DEPARTMENT.

Abstract of Proceedings of the Council of the Lieutenant-Governor of the Punjab, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 to 1909.

THE Council met at the Council Chamber, Government House, Lahore, on Thursday, the 16th March 1911, at 11 A.M.

PRESENT :

His Honour Sir LOUIS WILLIAM DANE, K.C.I.E., C.S.I., I.C.S.,
Lieutenant-Governor, *presiding*.

The Hon'ble Sardar SUNDAR SINGH, MAJITHIA, Sardar Bahadur.

The Hon'ble Mr. JOHN CORNWALLIS GODLEY, M.A.

The Hon'ble Malik MUBARIZ KHAN.

The Hon'ble Mr. JAMES McCRONE DOUIE, C.S.I., I.C.S.

The Hon'ble Mr. ROBERT HUMPHREYS, I.C.S.

The Hon'ble Mr. MICHAEL WILLIAM FENTON, C.S.I., I.C.S.

The Hon'ble Khan Sahib Sayad MAHDI SHAH.

The Hon'ble Mr. JAMES CURRIE.

The Hon'ble Khan Bahadur Seth ADAMJI MAMOOJI.

The Hon'ble Khan Bahadur Khwaja YUSAF SHAH.

The Hon'ble Mr. WEBSTER BOYLE GORDON, C.I.E.

The Hon'ble Mr. HENRY PARSALL BURT, C.I.E.

The Hon'ble Khwaja AHAD SHAH.

The Hon'ble Rai Bahadur HARI CHAND.

The Hon'ble Rai Bahadur SHADI LAL, M.A., B.C.L., Barrister-at-Law.

The Hon'ble Mr. ARTHUR MEREDITH, I.C.S.

The Hon'ble Khan Bahadur Mian MUHAMMAD SHAFI, Barrister-at-Law.

The Hon'ble Sir ARTHUR MILFORD KER, C.I.E.

The Hon'ble Mr. HENRY PHILLIPS TOLLINTON, I.C.S.

The Hon'ble Lala SULTAN SINGH.

The Hon'ble Lieutenant-Colonel CLEMENT GEORGE PARSONS.

The Hon'ble Mr. REGINALD ARTHUR MANT, I.C.S.

[*Khwaja Ahad Shah ; Mr. Fenton ; Mr. Tollinton.*]

OATH OF OFFICE.

The Hon'ble Mr. TOLLINTON, before taking his seat, took the prescribed oath of his allegiance to the Crown.

QUESTIONS AND ANSWERS.

The Hon'ble Khwaja AHAD SHAH asked :—"Will the Government be pleased to state if any steps are to be taken to remove the dissatisfaction produced in the public mind by two contradictory writings concerning the result of the last Extra Assistant Commissioners' Competitive Examination?"

The Hon'ble Mr. FENTON replied :—"The question, in the absence of particulars, is not very clear, but it is believed that it refers to the case of Allah Dad, an unsuccessful candidate at the recent competitive examination for one post of Probationary Extra Assistant Commissioner. There were ten candidates for this examination. The first place was obtained by a candidate named Jagan Nath who scored 608 marks. Allah Dad was third with 534 marks. The result of the examination was published in the *Punjab Gazette*, but only the name of Jagan Nath, the successful candidate, appeared in the notification. In the case of the nine unsuccessful candidates their roll numbers without their names were published. By a separate circular issued at the same time the unsuccessful candidates were referred to the Gazette notification for information as to the result of the examination, and in the margin of this circular the roll number of each of the candidates so addressed was given. The circular not having been addressed to the successful candidate whose roll number was No. 8, that number was omitted from the margin of the circular. A despatcher in the Secretariat office, however, seeing the series of numbers from 1 to 10 broken by the omission of No. 8, took it upon himself to alter the roll number of candidates Nos. 9 and 10 to 8 and 9, respectively. Owing to this stupid interference of the despatcher, Allah Dad, whose roll number throughout the examination had been 9, received an intimation that his roll number was 8. He forthwith proceeded to claim the appointment which had been won by Jagan Nath, and although on his calling at the Secretariat the mistake made by the despatcher was explained to him, and though he was told that throughout the examination his examination papers have been marked with the roll number 9, he has nevertheless not desisted from petitioning Government and ventilating his case in the press on the ground that he had received an official intimation that his roll number was 8, and that No. 8 was the number which had gained the first place in the examination. It is hoped that this explanation will remove the dissatisfaction produced in the public mind to which the Hon'ble Member alludes, if any such dissatisfaction exists."

The Hon'ble Khwaja AHAD SHAH asked :—" (a) Is the Government aware that there is a growing tendency in the Indian presiding officers of the Lower Courts to record statements and judgments in English and the litigants are burdened with extra expenses incidental to the obtaining of copies of documents and getting them translated in their own language, and are sometimes misunderstood?"

" (b) Will the Government be pleased to state if there is any proposal under consideration to issue directions to the Indian presiding officers of the Lower Courts to record statements and judgments in the court language in order to save the litigants from unnecessary inconvenience?"

The Hon'ble Mr. TOLLINTON replied :—"Government is aware that with the spread of English education there is (perhaps naturally) a growing tendency on the part of Indian presiding officers of Lower Courts to record statements and judgments in English."

[*Mr. Tollinton ; Khwaja Ahad Shah ; Mr. Dowie.*]

"In the case of the judgment it is admissible by law to write it in English in both civil and criminal cases. A translation must, if required, be given.

"In the case of the statements of witnesses they must be taken down in the language of the court either by the Judge or in his presence and hearing and under his personal direction and superintendence, the Judge making a memorandum which forms part of the record.

"It follows that if Indian Judges prefer to record evidence in English, no additional cost is incurred by the litigant, though it is a waste of power, in that a Judge who could record the evidence himself in the language of the court only draws up a memorandum. But if the judgment is recorded in English, the cost of translation may fall on the litigant or on Government.

"His Honour has recently directed attention to the waste of money and power which is inherent in a system which renders translations and a double record in the case of evidence necessary."

The Hon'ble **KHWAJA AHAD SHAH** asked :—"Will the Government be pleased to state—

- (a) Why the revenue patwaris are deprived of pensionary rights?
- (b) Why the burden of stationery expenses is thrown on the revenue patwaris?
- (c) Why does not the Government bear the expenses of repairs to *patwarkhanas*?
- (d) Is the Government prepared to fix one maximum equal to the largest of the different maxima now prevailing in the Punjab for the pay of all revenue patwaris, when prices current are the same throughout the province and when the land revenue has considerably improved?

The Hon'ble **MR. DOWIE** replied :—" (a) The question of making service as a patwari pensionable was considered by the Punjab Government in 1903 and decided in the negative partly on the ground of expense. At that time the funds for paying patwaris were obtained from a special patwar cess. The land-owners were relieved of this cess in 1906. In that year a proposal was submitted to the Government of India that service as a patwari should be allowed to count for pension on promotion to a pensionable post. In rejecting the proposal the Government of India remarked: 'The abolition of the cess was not intended to make any difference in the position of patwaris, and it obviously made no difference in their duties. It was merely a fiscal measure intended to relieve the cess-payer. There is, therefore, no reason why the abolition of the cess should make any difference in their pensionary rights.' The following rules for the grant of rewards to patwaris retiring after long service have been sanctioned :—

'Rewards may be granted by the Deputy Commissioners and, in the case of districts under settlement, by Settlement Officers, to patwaris who retire after 25 years' service in the permanent appointment of patwari, subject to the rules and conditions hereinafter stated :—

- (i) A patwari who at the time he retires is drawing not less than Rs. 14 a month will be entitled to a reward of Rs. 150; and a patwari who is drawing not less than Rs. 12, to a reward of Rs. 120; and a patwari who is drawing less than Rs. 12, to a reward of Rs. 90.

[Mr. Dowie.]

The amount of the above rewards represents the maximum allowable in each class of cases, and it is discretionary with the Collector to sanction a less sum for valid reasons, *e.g.*, where the patwari's record has been only fair, or where his son has been appointed in his stead.

- (ii) Service for the purpose of these rules must be continuous, but the Collector may condone any break of service not exceeding 12 months in duration.
- (iii) With the previous sanction of the Director of Land Records, a Collector may grant rewards in special cases to patwaris who have been compelled to retire before completing 25 years' service, provided they have served 15 years.
- (iv) Rewards cannot in any case be claimed under these rules as of right. They will be granted only in recognition of approved service.

'These rewards are not gratuities under the Civil Service Regulations.'

"(b) The rules as to patwaris' stationery are contained in paragraphs 74 and 75 of Standing Order No. 15. I shall be glad to supply the Hon'ble Member with a copy, if he wishes to have one. The cost of stationery generally is not borne by patwaris. They have to provide themselves with pen, ink, pencils, and the like petty items which cost little or nothing.

"(c) The latest declaration of policy on the subject of *patwarkhanas* is contained in the orders recently passed by the Lieutenant-Governor on the annual report of the Department of Land Records, which I shall quote :—

'While the importance of compelling patwaris to live within their charges is admitted by every one, the necessity for building a *patwarkhana* in every circle has yet to be established. In Rawalpindi, where there are no *patwarkhanas* at all, the patwaris are reported to be resident in their circles, and the Lieutenant-Governor is not prepared, without good cause shown, to surrender the position which was tentatively adopted in last year's review, that in prosperous and settled tracts it is the moral duty of the landowners to facilitate the acquisition of a residence for their patwari, as in practice they often do. Any comprehensive scheme for the provision of *pakka* houses for patwaris throughout the province is outside the range of practical policy, but His Honour agrees with the Director that, after careful enquiries, such sums as may be available should be expended year by year on the construction and maintenance of *patwarkhanas* in circles where unofficial accommodation is hard to obtain.'

"I may add that half a lakh of rupees for *patwarkhanas* has been provided in the Land Revenue Budget for 1911-12.

"(d) The usual grading of the patwari staff is—

1st grade, Rs. 14 per mensem	...	$\frac{1}{4}$
2nd grade, Rs. 12 per mensem	...	$\frac{1}{8}$
3rd grade, Rs. 10 per mensem	...	$\frac{1}{8}$

"The rule provides that higher rates and different grade proportions may for sufficient reasons be proposed for localities in which work is especially arduous or living especially dear. The Government is not prepared to introduce one maximum rate everywhere. The legitimate income of the patwari also includes fees for copies and a share of mutation fees. This share has recently been raised and the scale of mutation fees revised. The average increase of income under this last head will probably be Re. 1 per mensem."

[*Mr. Shadi Lal ; Mr. Mant.*]

The Hon'ble Mr. SHADI LAL asked :—" Will the Government be pleased to lay on the table a statement of the re-appropriations made since April 1910?"

The Hon'ble Mr. MANT replied :—" A statement* of re-appropriations of Rs. 5,000 and upwards is laid on the table. It is hoped that this will meet the Hon'ble Member's requirements. The re-appropriations of smaller sums are very numerous, and many of them extremely petty. It is not considered necessary to print these, but the manuscript register will be made available at the Secretariat for any Hon'ble Member who wishes to see it."

The Hon'ble Mr. SHADI LAL asked :—" Will the Government be so pleased as to make due provision in the Budget for 1911-12 for a grant for technical and industrial education and for encouraging suitable industries?"

The Hon'ble Mr. MANT replied :—" A sum of Rs. 20,000 has been provided in the Budget for 1911-12 for the encouragement of industries."

"As the Industrial Conference failed to come to any definite conclusion on the subject of industrial education, the report of the Committee to be appointed by Government to consider the question must be awaited; provision for the establishment of an Engineering School at Rasul already under construction has been made, and it is hoped that this will be ready to open and fully equipped by 1st October. The Government of India have recently given a special assignment of 9 lakhs for education, out of which it has been suggested that one lakh might reasonably be devoted to non-recurrent expenditure on industrial and technical education. Four lakhs out of the nine have been added to the Educational Budget for the coming year, and if during the course of the year it is decided how to further technical and industrial education, funds can be made available from this special grant."

The Hon'ble Mr. SHADI LAL asked :—" (a) Is it a fact that, as a consequence of the transfer of the maintenance of certain roads to the District Boards, the newly constituted District Board of Attock was compelled to apply for permission to levy tolls, and that this decision has caused considerable hardship to the people of that district?"

"(b) Will the Government be pleased to state by how many District Boards tolls are levied at present, and what is the revenue derived from this source in those districts?"

"(c) Will the Government be pleased to consider in the interests of trade and traffic the desirability of abolishing tolls in the Province?"

The Hon'ble Mr. MANT replied :—" (a) The Attock District Board has submitted a proposal to levy a toll on the road from Basal to Pindigheb. So far as Government is aware the proposal is not due to the transfer of certain roads to the Board. The Commissioner attributed the financial difficulties of the Board to the expenditure which it had been compelled to incur on numerous objects required on the establishment of a new district."

"(b) So far as Government is aware no tolls on roads are levied by the District Boards and the District Boards Act does not authorise the levy of such tolls."

"(c) The question of levying tolls on laden wheeled traffic on new branch metalled feeder roads has been raised, as the District Boards find that these works consume much of their available income which is to a great extent at present stationary and it is not easy to see how additional taxation can be imposed, even if such general taxation were fair for works which only directly benefit a small section of the community. The heavy charges on this account

[*Mr. Mant; Mr. Shadi Lal; the President.*]

and other public works are alleged as the main reason why more money cannot be spent on education and sanitation. It is held by some Boards that it is fair that the owners and users of wheeled carriages who benefit mainly by the new metalled branch roads should be called upon to contribute by tolls towards the up-keep of the roads. Government sympathises with the desire of the Boards to get free more money for expenditure on education and sanitation by raising an additional income to meet the cost of new metalled roads which are of great benefit to traders and landowners. Grants are now given towards the cost of maintenance of such roads, and Government cannot well do more for roads which are not of provincial interest. The question of the best way of meeting the cost devolving on the District Boards by tolls or otherwise is under consideration. Such tolls can be imposed by Government under Act No. VIII of 1851, and they would be analogous to the tolls now levied on ferries to which no exception has been taken."

The Hon'ble Mr. SHADI LAL withdrew the following question that stood in his name, stating it appeared from the memorandum of the Finance Member that the Government had made an additional grant of one lakh to the District Boards and the question, therefore, became unnecessary:—"Will the Government be pleased to make an additional grant to the District Boards to compensate them for the loss they are likely to suffer on account of the recent orders of the Government transferring to those bodies the liability to maintain certain roads referred to in my question asked at the last meeting of this Council?"

The Hon'ble Mr. SHADI LAL asked:—“(a) Is it a fact that the District Board of Kangra has employed an ex-tea-planter as its District Engineer at a cost of nearly Rs. 5,000 per annum, and that the official in question has no engineering qualifications?”

“(b) Will the Government be pleased to state whether some members of the Board suggested the employment of an experienced and qualified Overseer on a smaller remuneration and, if so, what action was taken by the President on the suggestion?”

“(c) Is the Government aware that the financial condition of the District Board, Kangra, is not satisfactory?”

The Hon'ble Mr. MANT replied:—“(a) An ex-tea-planter has been employed by the Kangra District Board as District Engineer since 1906. His present salary is Rs. 200 per mensem. The Executive Engineer of the district has certified that he is an eminently practical man and has carried out the duties of his post most satisfactorily.

“(b) One member of the Board last year proposed the abolition of the post, but the motion was withdrawn. So far as Government is aware, no proposal to appoint an Overseer has been brought forward. An Indian Overseer was tried in 1898, but was found unsatisfactory.

“(c) The financial condition of the District Board has not been satisfactory for some years, and it has received considerable assistance from provincial revenues; but the budget estimates for 1910-11 showed a slight surplus of revenue over expenditure.”

The Hon'ble Mr. SHADI LAL:—“May I be permitted to put a supplementary question in this connection? Is the Engineer getting any allowance in addition to his pay of Rs. 200?”

The Hon'ble Mr. MANT:—“I presume that he gets the ordinary travelling allowance. We are not aware of any other allowances.”

His Honour the PRESIDENT:—“The Hon'ble Mr. MANT will make the necessary enquiries if you desire it.”

[*Mr. Shadi Lal; Mr. Fenton.*]

The Hon'ble Mr. SHADI LAL asked :—"Has the attention of the Government been drawn to the complaints that have appeared in the Press against Bawa Mihan Singh, Judge, Court of Small Causes, Amritsar, and to the resolution passed by the Amritsar Bar Association in the same connection? Will the Government be pleased to direct an enquiry into this matter?"

The Hon'ble Mr. FENTON replied :—"The attention of Government had not been drawn to the matter before notice was received of the Hon'ble Member's question, beyond that the *Tribune* newspaper had referred to the action of the Amritsar Bar Association in passing a resolution containing an opinion that the conduct of the Small Cause Court Judge should be brought to the notice of the District and Divisional Judges. It was assumed by Government that action has been or will be taken by the Bar Association in pursuance of their resolution and that such action will result in the complaints against the Judge being investigated. If the District or Divisional Judge declines to investigate the matter, it is open to the Bar Association to represent the case to the Chief Court. The Lieutenant-Governor does not usually consider it necessary to take action upon reports as to disagreements between Bench and Bar in Civil Courts for the purpose of securing protection for the latter, because he is satisfied that the Bar is well able to represent its cause before the authorities empowered to deal with complaints against the Presiding Officers of courts, and he knows of no special reason for moving in this particular case."

The Hon'ble Mr. SHADI LAL asked :—"Will the Government be pleased to state why the members of the Punjab Provincial Civil Service drawing less than Rs. 600 per mensem are not classed as 1st class officers for purposes of travelling expenses, when the members of a large number of other Provincial Services mentioned in the Civil Service Regulations, including Postal Superintendents on Rs. 200 to Rs. 600 and Provincial Engineers on Rs. 200, &c., are classed as such and are granted 1st class travelling allowances? Having regard to the above fact and their position as Civil Judges and 1st class Magistrates, will the Government be pleased to place the above-mentioned officers of the Provincial Civil Service on the same footing as regards travelling allowances as the officers of other services having similar status and drawing equal salaries?"

The Hon'ble Mr. FENTON replied :—"It is not only members of the Punjab Provincial Civil Service drawing less than Rs. 600 per mensem who are excluded from the 1st class for the purpose of the travelling allowance rules in the Civil Service Regulations. The 1st class is a limited one, and includes only members of the Indian Civil Service, members of the Provincial Civil Service holding listed appointments, Military Commissioned and Departmental officers, Chaplains and all other officers holding appointments the pay or maximum pay of which exceeds Rs. 500. Certain appointments of which the pay is Rs. 500 or less have also been admitted exceptionally to the privilege of 1st class rates. These appointments are shown in appendix 18 of the Civil Service Regulations.

"The classification of officers for the purpose of the travelling allowance rules rests on the authority of the Government of India and not of the Local Government and any alteration in such classification, which is in force in all provinces, can be effected only with the sanction of the same authority. The Local Government is not in a position to make any statement as to the principle upon which the classification has been made by the Government of India, nor is it empowered to make the alteration in the classification which the Hon'ble Member suggests. Any such alteration would have to be

[*Mr. Shadi Lal ; Mr. Fenton.*]

considered with reference to its effect in other provinces where the corresponding officers are on the same footing as in the Punjab, except such members of the Provincial Civil Service in Bengal, the United Provinces and Assam as are in charge of sub-divisions having separate head-quarters, and Extra Assistant Commissioners in Burma employed as Sub-Divisional or Assistant Settlement Officers."

The Hon'ble Mr. SHADI LAL asked :—" With reference to the orders which were recently given for the evacuation of certain villages in the Kangra tahsil in order that field firing might be practised and which were promptly countermanded by His Honour the Lieutenant-Governor for which the villagers are grateful to Sir Louis Dane, will the Government be pleased to state—

- (a) whether, although the evacuation was prohibited, several roads were guarded and ingress to and egress from some villages were stopped for several hours to the great inconvenience of the people ?
- (b) whether there is any law justifying such evacuation, and if so, whether the previous sanction of the Local Government is required before such law is brought into operation in any locality ?
- (c) whether any steps will be taken to stop field firing in the vicinity of villages in future ? "

The Hon'ble Mr. FENTON replied :—" It is not strictly correct, as stated in the preamble of the question, that His Honour the Lieutenant-Governor countermanded the evacuation of the villages. His Honour conveyed his wishes in the matter to the Military authorities who very promptly complied with them, pointing out at the same time that the newspaper report as to the intended evacuation had grossly exaggerated the facts, no more than 3 hours' evacuation during the hours of day light having been contemplated.

" With reference then to part (a) of the question, there being no information available, inquiry was made by a telegram to the Deputy Commissioner of Kangra, who has replied as follows :—

' Your 53. Facts alleged in telegram much exaggerated. On contrary, military studied convenience of people in every way. Guns only fired blank ammunition, but rifle fire was with ball cartridge and took place in Government forest, where there is no cultivation or habitation, except very few hamlets, people of which were warned to keep doors and windows shut on side of firing and keep themselves under cover. The fire zone was guarded to prevent persons entering it while fire was going on. This involved closing two or three small footpaths only. People could go round other ways. No main roads were closed. No evacuation.'

" The answer to the second part of the question is that there is no Act of legislature empowering the officers of Government to enforce the evacuation of villages. Heretofore where such evacuation has taken place it has been effected with the consent of the villagers with or without payment of compensation.

" As to part (c) of the question, the Local Government has no reason for supposing that such a necessary operation in the training of the military forces of the country as field firing will be omitted in future. He has no doubt that the Military authorities will adopt every reasonable precaution for the prevention of accidents when it takes place in the vicinity of villages and will whenever possible avoid tracts in which villages are numerous and select seasons and times least likely to cause serious inconvenience."

[*Mr. Shadi Lal ; Mr. Tollinton ; Mr. Mant.*]

The Hon'ble Mr. SHADI LAL asked :—"Whether, having regard to the provisions of clause 7 of the Bill to amend the Punjab Courts Act by which it is proposed that the value of land suits for purposes of court fees be increased from five times to ten times the land revenue, the Government will, as a necessary consequence of the above clause if it becomes law, issue a notification under section 3 (1) of the Suits Valuation Act to the effect that the value of the above-mentioned suits for purposes of jurisdiction shall be either the market value of the land or at least sixty times instead of thirty times the land revenue?"

The Hon'ble Mr. TOLLINTON replied :—"The question of the jurisdictional value in land suits is the subject of discussion with the Government of India and no information can at present be given on the point: but Government is not prepared to admit that enhancement of the valuation of the jurisdictional value is a necessary corollary of the enhancement of the valuation for fiscal purposes. Even as proposed the valuation for such purposes will only be one-tenth of the average market value of land which is not more than the present valuation represented when the Court Fees Act became law."

The Hon'ble Mr. SHADI LAL asked :—"Whether the attention of the Government has been drawn to a judgment by the Hon'ble Chief Judge reported as No. 3, Punjab Record, 1911, Civil, which goes to show that the limitation of the Punjab Home Department Judicial notification No. 889 of the 18th November 1908 to sub-section (1) of section 46 of the Provincial Insolvency Act, IV of 1907, may give rise to complications of a serious nature, and whether a new notification placing beyond doubt the original and appellate jurisdiction of the District and Divisional Courts for the purposes of the Provincial Insolvency Act will be issued?"

The Hon'ble Mr. TOLLINTON replied :—"The matter is under consideration. The intention was to provide that the orders of courts *subordinate* to the District Court should be appealable to the Divisional Court. This is not quite clear from the wording of the notification, and it will probably require amendment in consequence."

The Hon'ble Mr. SHADI LAL asked :—"Will the Government be pleased to state when a reply will be given to the memorial submitted in October 1910 by the Hindu (including Sikh) citizens of Wazirabad with regard to the Government notification of the 23rd September 1910, establishing separate electorates for municipal elections and providing that only two out of the six elected members of the municipal committee of Wazirabad shall be Hindus (including Sikhs) and four shall be Muhammadans?"

The Hon'ble Mr. MANT replied :—"The Hon'ble Member presumably refers to a memorial submitted by certain Hindu residents of Wazirabad. The memorial did not purport to represent the views of the Sikhs, and the Government understands that Sikh opinion on the subject is much divided. A reply will be given to the memorial on receipt of further information, which has been called for, with regard to the revision of the list of voters."

The Hon'ble Mr. SHADI LAL asked :—"Will the Government kindly state at whose instance the above action was taken and whether the citizens were previously informed of it and whether before making the recommendations, the executive authorities of Gujranwala District gave them an opportunity of making their representation and stating their objections against the proposed action?"

[*Mr. Mant ; Mr. Shadi Lal ; Mr. Muhammad Shafi.*]

The Hon'ble Mr. MANT :—"The question was taken up at the instance of the Anjuman-i-Islam, Wazirabad, and the orders of Government were passed after the matter had been enquired into and reported on by the Commissioner. The proposals were not published for objections before the notification was issued, but it was announced that the new rules would not come into force until 6 weeks after the date of the notification. The notification issued on the 17th September 1910 and the memorial was not received by Government till the 30th October 1910, i. e., when the six weeks had just expired."

The Hon'ble Mr. SHADI LAL :—"Will the Government be pleased to lay on the table all the papers in connection with the above-mentioned notification?"

The Hon'ble Mr. MANT :—"As the matter is still under consideration, it is not considered expedient to lay the papers on the table."

The Hon'ble Mr. SHADI LAL :—"Will the Government kindly order an enquiry to be made into the matters referred to in the above memorial and, more especially, into the following :—

(a) The allegation in paragraph 6 of the memorial that in January 1910 the number of the Muhammadan voters was about 1,200 and that of the Hindu voters about 1,050, and that contrary to the usual practice of revising the list of voters in January of each year, the Deputy Commissioner, in May 1910, ordered the names of 1,200 new Muhammadan voters to be added to the list :

(b) The statement in paragraph 8 that the bulk of the income of the Wazirabad municipality in the shape of octroi, &c., is derived from the Hindus, that the Hindus pay about Rs. 4,000 a year as income-tax while the Muhammadans pay only about Rs. 600 a year, that almost all the important factories are owned by the Hindus, and that almost the entire trade of the town is in their hands."

The Hon'ble Mr. MANT :—" (a) The allegation is being enquired into, but it appears that the wording of the memorial is not correctly stated in the question. It was not alleged that the Deputy Commissioner added the voters, and as a fact he did not do so. The objections to the list of voters, which was prepared by a patwari and the Octroi Superintendent, were heard by an Extra Assistant Commissioner deputed for the purpose who accepted 1,102 names out of 1,452 Muhammadan claimants and 182 out of 250 Hindu claimants. As the voter's qualification is an income of Rs. 10 a month, it seems that with the present wages of labour almost every male adult would be entitled to a vote.

" (b) A detailed enquiry into the pecuniary circumstances of the voters has not been considered necessary, as ordinarily the numbers, and not the wealth of the persons entitled to vote, must be the main factor in determining proportionate representation. In the case of the Tarn Taran municipality which was cited as a precedent for the action taken at Wazirabad, the greater number of seats were reserved for Hindus on the ground that the majority of voters belonged to the Hindu community."

The Hon'ble Mr. MUHAMMAD SHAFI asked :—"What is the total number of residents within the municipal limits of Wazirabad? How many of these are Muhammadans and how many Hindus?"

The Hon'ble Mr. MANT replied :—"At the census of 1901 there were 12,607 Muhammadans, 4,767 Hindus and 607 Sikhs. The returns of this year's census have not yet been received by Government."

[*Mr. Muhammad Shafi ; Mr. Mant.*]

The Hon'ble Mr. MUHAMMAD SHAFI :—"What is the number of Honorary Magistrates, Zaildars and Lambardars within such limits and how many of these are Muhammadans and Hindus, respectively?"

The Hon'ble Mr. MANT :—"There is only one Honorary Magistrate at Wazirabad, viz., Sardar Mehr Singh, who is a Sikh. Information as to the number of Zaildars and Lambardars is not at present available."

The Hon'ble Mr. MUHAMMAD SHAFI :—"What is the total area of agricultural land within such limits and in what proportions is such land owned and land revenue thereon paid by Muhammadans and Hindus?"

The Hon'ble Mr. MANT :—"The information asked for will be obtained, if desired, from the local officers."

The Hon'ble Mr. MUHAMMAD SHAFI :—"Is it not a fact that the Wazirabad Muhammadans submitted a memorial complaining of the inadequacy of Muhammadan representation direct to Government and the new rules were framed by Government on the recommendation of the Commissioner?"

The Hon'ble Mr. MANT :—"The facts have already been stated in my reply to the Hon'ble Mr. Shadi Lal?"

The Hon'ble Mr. MUHAMMAD SHAFI :—"Is it not the fact that one of the complaints of the Muhammadan community, during the days when mixed electorates prevailed in Wazirabad, was that the lists of voters were not properly framed and on a revision of the lists that complaint was found to be correct? Is it not also a fact that in these revision proceedings Chaudhri Sultan Ahmad, Extra Assistant Commissioner, gave the Hindus an opportunity to submit lists of additional voters, and that the revision was a general one of both Muhammadan and Hindu voters?"

The Hon'ble Mr. MANT :—"Here also I would refer the Hon'ble Member to my reply to the Hon'ble Mr. Shadi Lal."

The Hon'ble Mr. MUHAMMAD SHAFI :—"Is it not a fact that the octroi comes ultimately out of the pockets of the residents generally, although it may, in the first instance, be paid by the persons who introduce into the town such articles on which octroi is leviable?"

The Hon'ble Mr. MANT :—"The generally accepted theory of octroi is that the tax falls mainly on the consumer. It is impossible to say precisely how far the facts conform to the theory."

The Hon'ble Mr. MUHAMMAD SHAFI :—"Do not the rules promulgated in Wazirabad fix a minimum property and income qualification for the possession of a vote? Is there any Municipal Committee in this Province in which an individual paying a larger amount of income-tax possesses a larger number of votes than another who pays the required minimum amount of income-tax? Is it not a fact that amount of income stated in the representation referred to by the Hon'ble Mr. Shadi Lal as paid by the Hindus includes land revenue, and that stated as paid by Muhammadans does not include land revenue paid by them?"

The Hon'ble Mr. MANT :—"The Wazirabad rules do fix certain minimum qualifications for the possession of a vote. The remainder of the question cannot be answered without further enquiries which will be made if desired."

[*Mr. Muhammad Shafi ; Mr. Mant ; Mr. Shadi Lal ; Mr. Godley.*]

The Hon'ble Mr. MUHAMMAD SHAFI :—" Is there any Municipal Committee in this Province where factory owners or traders individually or as a class possess a larger number of votes than those to which they are entitled under the rules relating to minimum property and income qualification fixed for all voters ? "

The Hon'ble Mr. MANT :—" In this matter also further enquiries would be necessary before a complete answer could be given, but I would invite the Hon'ble Member's attention to my reply to the Hon'ble Mr. Shadi Lal's last question, which will perhaps obviate a further enquiry."

The Hon'ble Mr. MUHAMMAD SHAFI :—" Is it not a fact that the Sikh residents of Wazirabad at a meeting held under the presidency of Sardar Mehr Singh, Honorary Magistrate, expressed their approval of the new rules relating to separate electorates and sent a telegram expressing their satisfaction to Government."

The Hon'ble Mr. MANT :—" The telegram referred to does not appear to have been received, but, as already stated, it has been ascertained that Sikh opinion on the subject was not unanimous."

The Hon'ble Mr. SHADI LAL asked :—" Has the attention of the Government been drawn to a remark of the Inspector of Schools in the Lahore Division quoted in paragraph 10 of the Report on Public Instruction for 1909-10 to the effect that the Government grant for primary education has been deflected from its intended object in several districts and to a remark of the Inspector of Schools in the Rawalpindi Division to the effect that in Attock out of the Government grant of Rs. 10,000 for the extension of primary education, Rs. 7,799 were diverted to objects other than educational ? "

The Hon'ble Mr. GODLEY replied :—" The passage in the last Report on Public Instruction which has been referred to by the Hon'ble Member is as follows :—

"The Lahore Inspector says that the amount provided for education did not approach the standard minimum in any district of the division except Gurdaspur and Amritsar. "Thus the Government grant for Primary Education is to some extent deflected from its intended object. " "

"The Inspector doubtless meant that the educational expenditure in some districts did not equal the Government grant *plus* 25 per cent. of the Boards' income, and on the assumption that this percentage was obligatory, it might be inferred that the Boards were not spending the full amount of the grant. This assumption, however, does not hold good, because the percentage referred to has never been compulsory, and an arithmetical standard is not now applied as a necessary test of the sufficiency of a local body's educational expenditure. I may refer the Hon'ble Member to the Government resolution issued in 1908 on this subject. The attitude of Government was also explained in the review of the report for 1909-10.

"The duty of apportioning the Government grant among districts was delegated in 1908 to Commissioners of divisions, who, after consultation with the Divisional Inspectors of Schools, are now responsible for seeing that the money is spent in accordance with the purpose for which it is given. The Inspector of Schools of the Rawalpindi Division, whose report contains the other statement quoted by the Hon'ble Member, was advised to consult the Commissioner regarding the supposed diversion of funds, and to suggest a curtailment of the grant for future years if misuse of the money could be proved.

[*Mr. Godley; Mr. Shadi Lal; Rai Bahadur Hari Chand.*]

It appears, however, from a letter addressed to the Inspector from the Deputy Commissioner of Attock that there has been a misunderstanding. The Deputy Commissioner states that about Rs. 35,000 were spent by the Board on education during the year, whereas the Government grant was only Rs. 10,000."

The Hon'ble Mr. SHADI LAL asked :—“(a) Will the Government be pleased to state in what districts the Government grants have been so ‘deflected’ and what is the amount so ‘deflected,’ in each district?”

“(b) Will the Government be pleased to insist upon the necessity of District Boards utilizing the educational grant for the intended object and warn them against the misapplication of these grants? Will the Government consider the desirability of requiring these bodies to spend on education a proportionate sum from their own resources?”

The Hon'ble Mr. GODLEY replied :—“(a) It is not possible to ascertain what portion of the educational expenditure of a District Board is debitable to the Government grant, as no separate account is kept. The grant, however, might be said to be deflected from its purpose if the receipt of it led to a reduction of the amount formerly spent by the Board on educational objects, or, in other words, if the Board did not increase its normal expenditure on primary schools by the amount of the grant. This does not seem to be the case in any district, although the educational expenditure is not in every instance as great as educational officers might wish.

“(b) Commissioners of divisions were informed by Government in 1908 that the grants were intended for expenditure on the specific objects for which they were made, and were not available for appropriation on any other objects; and that these grants were not intended to detract in any way from the outlay on education which a District Board had hitherto been expected to finance from its own resources. The Lieutenant-Governor does not think it necessary to issue fresh instructions to the same effect, unless there is evidence that existing orders are being disregarded.

“With regard to the latter part of the question, I have already mentioned that the rule fixing a possible requirement in the form of a percentage of the income of a local body to be spent on educational purposes was abrogated by a resolution of Government in 1908. It was then stated that the percentages had acquired a weight to which their intrinsic value gave them no claim, and that in some cases there had been a tendency to quote them as minima demandable rather than as a general standard of duty—a character which they still retain. But although District Boards are not required by rule to devote a specific proportion of their income to education, their educational expenditure is scrutinised by the Education Department, and they submit annual statements, comparing their expenditure on primary schools for the year with the corresponding expenditure in 1904-05, the year before the Government grants for primary education were assigned. This information is not, of course, a guarantee that the Boards are spending in any particular proportion to the grants which they receive from Government. With a view to making the distribution of grants more systematic in this respect, the Education Department has been asked to prepare a scheme by which grants to local bodies for primary education can in future be determined by salaries and attendance. If a scheme of this kind is found to be workable, the Government grant will automatically adjust itself to local expenditure, and the question of proportion will no longer arise.”

The Hon'ble Rai Bahadur HARI CHAND asked :—“In the Land Revenue Administration Report of the Punjab for the agricultural year ending 1909, it is stated that out of a total of 935,578 males of scheduled tribes in the Multan Division under the Land Alienation Act, only 35,226 are Hindus.

[*Lala Hari Chand ; Mr. Douie.*]

Will the Government, in view of the glaring disparity in the number of scheduled tribes of different nationalities, be pleased to consider the expediency of including all Hindus in the division, whose calling is agriculture, in the list of the agricultural tribes ?”

The Hon'ble Mr. DOUIE replied :—“ In answering the question I welcome the opportunity of giving publicity to the table from which the Hon'ble Member's figures are drawn and to the statement of policy which accompanied it. I quote from paragraph 30 of the Land Revenue Administration Report for the year ending 30th September 1909 :—

“ The Financial Commissioner considers that the net of inclusion in the lists of agricultural tribes should be spread as widely as possible, consistently with firm adherence to the true object of the Act, namely, the protection of the hereditary landowning tribes from expropriation by money-lenders and by persons belonging to tribes whose hereditary occupation has been trade. Prominence was given during the year to the allegation that the Act is a sectarian one, intended to favour Muhammadans at the expense of Hindus. The following figures taken from the Census Report of 1901 and giving the number of male members of each of the scheduled tribes in the five divisions, furnish a sufficient answer to that unfounded assertion. The tabulation has, of course, been made by districts as the schedule for each district is different, but it would take up too much space to give the district figures separately :—

DIVISION.	MALES OF SCHEDULED TRIBES.			
	Hindu.	Sikh.	Musalman.	Total.
Delhi	708,847	42,007	304,293	1,055,047
Jullundur	519,225	254,568	427,634	1,201,427
Lahore	134,684	248,827	688,761	1,072,272
Rawalpindi	5,389	5,438	976,912	987,739
Multan	35,226	53,538	846,814	935,578
Total	1,408,371	605,278	3,244,414	5,253,063

“ The figures do not include the large number of Brahmans recently notified as a separate group. The conclusion to be drawn is that the schedule provides a very complete representation of the rural population of the province.

“ If the Hon'ble Member will furnish me with a list of Hindu landowning tribes in the districts of the Multan Division whose hereditary occupation he considers to be agriculture, but which are excluded from the schedule, it will be examined, and, if the tribes satisfy the above-mentioned requirements, the Government will gladly put them in the schedule. If the suggestion made is that all Hindus in the Multan Division who follow agricultural pursuits, irrespective of the tribe to which they belong, should be notified, it is one which the Government cannot adopt.”

[*Lala Hari Chand ; Mr. Dowie .*]

The Hon'ble Rai Bahadur HARI CHAND asked :—" Is Government aware that there was a complaint of the deterioration both in the quality and the number of applicants for admission to the Lyallpur Agricultural College this year and of their general backwardness in grasping scientific principles and understanding English ? Will the Government be pleased to state on what principle the selection from among the applicants for admission to the College is made ? "

The Hon'ble Mr. DOWIE replied :—" The Government is aware that there was a large decrease in the number of applications for admission to the Agricultural College in the second year of its existence. In 1909 there were 709 applications, while the College, when fully developed, is intended for 114 students, 38 to be admitted in each year. The chief reason for the rush to obtain admission was probably the idea that a three years' course at the College would furnish a cheap and easy means of entering ordinary Government service. In 1910 there were 92 applicants, but there was only accommodation for 24 of them.

" The Government is not aware that there has been a complaint as to the deterioration in the quality of applicants for admission in 1910. The Principal did complain, as regards students admitted in 1909, that (I am quoting his words) :—

' In the science subjects, the students as a whole showed great difficulty in grasping the nature of each subject during the first four or five months and were consequently very backward. But, during the latter half of the session, they began to improve. The general experience gained has been to the effect that the students, when they come to us, are backward in English and lacking in manual dexterity. This experience is borne out by that gained at other agricultural colleges throughout India and led to the proposal at the last Board of Agriculture that some attention should be given by the Educational Department to manual training in the elementary schools of boys likely to enter agricultural colleges.'

" He also wrote :—" In the subject of Agriculture, I have much pleasure in reporting that in the practical agricultural class most of the students soon proved themselves to be familiar with the country farming implements and their use, and the preliminary work found necessary in other agricultural colleges in India was not required. In the subject of practical agriculture, the students were first familiarised with the use of improved implements and then placed in charge of plots of land (two students to the acre) on which they have carried out the whole of the farming operations of the year. The interest taken by the students in this part of their work and the progress made is particularly encouraging."

" The principle of selection of students other than scholars is that these must have the Entrance qualification of the Punjab University or the diploma of the Aitchison College, and that a preference is given to candidates with some knowledge of science. In paragraph 7 of the old Prospectus it was laid down that an Entrance Examination would be held if the number of applicants exceeded the number who could be received. In practice the Principal has merely selected those who were most likely to benefit by the Course and to turn it to practical use later on in life, that is, those who have substantial holdings, or who are of the agricultural class. The amendment of the Prospectus to give the Principal discretion in selection is now under consideration."

[*Lala Hari Chand ; Mr. Godley ; President.*]

The Hon'ble Rai Bahadur HARI CHAND withdrew the following question which stood in his name :—" In the Report of Public Instruction in the Punjab, for the year 1909-10 a complaint has been made by the Director that the District Boards do not spend enough on Primary Education from their funds.

" In view of this unsatisfactory state of things and in view of the twenty lakhs or thereabouts that the Provincial Government may expect as its share of the money to be paid by the colonists in the Lower Chenab and Chumian Colonies, will the Government be pleased to consider the advisability of making Primary Education a Provincial charge like secondary or University Education ? "

The Hon'ble Rai Bahadur HARI CHAND asked :—" Is the Government aware that in terms of article 466 (b), Punjab Education Code, admission of students is refused in Government schools for want of accommodation, etc. ?

" In view of this hardship on the students and especially on the sons of Government and Railway employes who are transferred from one district to another, will the Government be pleased to consider the expediency of removing this complaint ? "

The Hon'ble Mr. GODLEY replied :—" The rule in the Education Code referred to by the Hon'ble Member fixes 40 pupils as the limit of a class, and adds that if that number is exceeded, it will be the duty of the managing body either to provide another teacher and more accommodation, so that the class may be divided into sections, or else to refuse further admissions. The object of the rule is to prevent overcrowding, and consequent injury to the health and education of the scholars. Its application, however, has become somewhat elastic, as head-masters are naturally anxious to meet the wishes of parents and to increase the fee-receipts of their schools.

" The reports received from Inspectors of Schools show that the overcrowding of secondary schools is becoming a serious hindrance to the progress of education, and the Lieutenant-Governor considers, therefore, that the rule should remain as a standard, although in special instances it may be necessary to relax it. Government is aware that temporary inconvenience may be caused to individuals by the refusal of further admissions when the limit of school accommodation has been reached, but it is not proposed to fetter the discretion of managing bodies and head-masters in this respect, or to increase the staff and accommodation of Government schools indefinitely. The remedy must lie in the opening of more schools by private enterprise."

REVISED FINANCIAL STATEMENT, 1911-12.

His Honour the PRESIDENT under rule 37 of the Rules for the discussion of Annual Financial Statement suspended the operation of Rule 10 (1). He said :—" Under Rule 10 (1) of the rules for the discussion of the Annual Financial Statement, the Revised Financial Statement ought to be presented on a date not later than the 13th day of March. This year unfortunately the Holi and Bara Wafat holidays falling on the 13th, 14th and 15th, I made enquiries of the Hon'ble Members if they would be able to attend the Council on these religious festivals. Most of them hesitated, and said they preferred not to attend on those days ; consequently I exercised the powers vested in me under Rule 37, and suspended the action of Rule 10 (1) which required that the Financial Statement shall be presented on a date not later than the 13th March, and fixed to-day for the presentation of the Financial Statement.

[*President ; Mr. Mant.*]

" I observe that this difficulty has not occurred in other Provinces ; perhaps they do not consider these festivals of importance. As long as the Government of India insist on a rigid calendar date for the Budget discussion, it is quite possible that the same difficulty may occur, as religious festivals do not fall on particular dates of the month, but vary from year to year.

" However I hope that though the time is short, the discussion will be concluded to-day."

The Hon'ble Mr. MANT, in presenting the Revised Financial Statement for 1911-12, made the following explanatory remarks :—

" It is my good fortune that the first Financial Statement which I have the honour of presenting to this Council shows larger balances and brighter prospects than were dreamed of a year ago. The figures are given in detail in my printed Memorandum, and I need not repeat them here. As explained in the Memorandum the improvement in our financial position is due to three main causes. Firstly, we have been given a share of the surplus accruing to the Government of India in the current year. Secondly, we expect to receive large sums next year from sales of land to tenants in the Canal Colonies. And, lastly, the revision of our Financial Settlement gives us a larger share of growing revenues. The main point which I wish to impress on this Council is that the first two causes are transient, and that the extra resources arising from them are purely temporary and must not be allowed to increase our permanent obligations.

" 2. The third cause will have a more lasting effect, and it is to be hoped that it will eventually secure equilibrium between our revenue and expenditure. But the full effect of the change will not be manifest for some years, i.e., not until the canals now under construction are opened, and in the meantime it behoves us to be patient and to be very chary of accepting new recurring charges. So far as I am able to judge I think that our financial position is sound, provided that the abnormal receipts expected in the next few years are carefully husbanded.

" 3. The Financial Statement this year gives more detail than has hitherto been laid before the Council, as it comprises a statement of the revenue and expenditure under all the minor heads open to discussion. A similar statement was supplied to the Finance Committee and was, I think, of material use to the Committee in dealing with the draft Financial Statement. As stated at the last meeting of the Council, the Government desired to lay before the Finance Committee as large a portion of the expenditure budget as the rules admitted, and the Committee was accordingly asked to advise on the allocation of Rs. 12,12,000, whereas their deliberations last year were limited to the disposal of a sum of Rs. 3,17,000. I think that the institution of this Committee is an invaluable help to the Financial Member, and I am glad to have this opportunity of acknowledging the services of the non-official Members.

" 4. It may be convenient to explain here a change which has recently been made in the rules for the budget discussion. The meeting to-day is concerned with the Revised Financial Statement which is practically the draft of the budget. It is a practical business meeting, and only such resolutions can be moved as have a practical object, and propose a definite amendment in the figures of the Financial Statement. The rules have hitherto provided

[*Mr. Mant; Mr. Douie.*]

that the budget should be presented to the Council on some date after the discussion of the Revised Financial Statement has closed, and that the discussion of the budget should take place on some still later date. It was found last year that the intermediate meeting for the presentation of the budget was a purely formal proceeding, as the budget was simply a reproduction of the Revised Financial Statement. The new rule therefore provides that such an intermediate meeting will not be necessary unless the figures in the Revised Financial Statement have been changed, otherwise than in accordance with a resolution passed by the Council, or unless a resolution so passed has not been accepted by the Government. A printed copy of the budget will, however, be given to each Member in time to enable him to study it before the general discussion takes place.

" 5. With these remarks I beg to present the Revised Financial Statement.

" 6. I have also to introduce the consideration of certain heads of which I am Member in charge. I have explained the noticeable variations under these heads in the Memorandum attached to the Revised Financial Statement, and have nothing further to add. I therefore ask permission to lay before the Council the figures under the following heads of income :—

XII—Interest.

XXII—Receipts in aid of Superannuation.

XXIII—Stationery and Printing.

XXV—Miscellaneous.

" And under the following heads of expenditure :—

1—Refunds and Drawbacks.

29—Superannuation Allowances and Pensions.

30—Stationery and Printing.

32—Miscellaneous.

36—Reduction or avoidance of debt."

The Hon'ble Mr. DOUIE said :—" It will be observed that the receipts under land revenue are classed in the statement presented to the Council, under six minor heads. These can, however, be reduced to three. The first 'ordinary revenue,' consists of the demands under fixed and fluctuating assessments. These demands constitute what is usually understood as 'land revenue.' This minor head exhausts five-sixths of the receipts estimated for in the Land Revenue Budget of 1911-12. The next two minor heads consist mainly of the proceeds of the sale of State lands, which will form an important item of receipts in the coming year. Lastly, we have three minor heads yielding about ten lakhs, which might all be classed as 'Miscellaneous.'

" The budget estimate for 1910-11 under the head of 'land revenue' amounted to Rs. 3,04,90,000. Out of this sum 275 lakhs consisted of 'ordinary revenue,' of which 220 lakhs were fixed and 55 lakhs fluctuating. When

[Mr. Douie.]

the estimate was framed we were able to anticipate a very fine rabi harvest and had to assume a normal kharif. Fortunately our assumption came true. Arrears of fixed land revenue amounting to 9 lakhs were realized, and the fluctuating collections, it is now estimated, will amount to about 57½ lakhs. The revised under 'ordinary revenue' is put at 276 as compared with the budget estimate of Rs. 275, so under this head we nearly hit the mark. Under the heads relating to sale of State lands we have been less successful as prophets. Men have to pay ordinary land revenue whether they will or no, but land purchase is purely voluntary. We anticipated receipts amounting to roundly 20½ lakhs, but we now only expect to receive 13. Under the miscellaneous heads taken together the variations that occur are not large. We hope to get rather more than our budget figure. The final result is that the revised under land revenue amounts to 299 lakhs as compared with the budget estimate of 3,04,90,000. This revenue is divided in fixed proportions between the Imperial and Provincial Governments. But before the division is made land revenue due to canals, for which the Irrigation Department is given an indirect credit, is deducted. For this part of the receipts my Hon'ble friend Mr. Gordon is responsible, and I regret to say that he underestimated his income by 7½ lakhs. The total shared land revenue therefore shows under revised a sum of 13½, not 6 lakhs, below the budget estimate. Nevertheless the share of the Provincial Government has risen from 164½ to 196½ lakhs owing to the large special grants which the Government of India has recently made to the Punjab. A detail of these will be found in Appendix A annexed to the Financial Statement.

"I now turn to the budget estimate for the coming year. At this time two years ago a cycle of bad seasons had resulted in a very unsatisfactory land revenue balance sheet. The outstanding arrears amounted to 51 lakhs. The tide really turned in the summer of 1908-09, and since then we have been blessed with fruitful seasons. Owing to realizations and, to a less extent, to remissions, by the close of the present year arrears should be reduced to the comparatively small sum of 6 lakhs. The normal demand of 1911-12 may be put at 213 lakhs fixed and 65 lakhs fluctuating, or a total of 278 lakhs. That represents an increase of some 12 lakhs over the normal revenue of 1910-11. Of this about 10 lakhs are in fluctuating revenue caused by re-assessment in the Canal Colonies. We hope in addition that collections on account of arrears will exceed suspensions by 3 lakhs. Our budget therefore depends on the expectation that the amount of suspensions will be normal, and that we shall collect most of the small balance of arrears remaining. If only the skies are not too bountiful the province should have a fine rabi harvest, and one-half of our normal demand should be got in safely. For the other half our budget estimate is admittedly, to borrow a phrase used in another place, 'a gamble in rain.' In other words, we postulate a normal monsoon and an average kharif harvest. The success of the kharif is the more important that most of our arrears are in the unirrigated parts of the Delhi division, where the kharif is the principal harvest. But a failure to collect arrears would upset our budget calculations in the coming year only to a small extent. The necessity of suspending revenue to any large extent in the kharif, should it arise, would be another matter.

"We are on much more shaky ground when dealing with the part of the budget which relates to the sale of Government land. The budget estimate for 1911-12 is 55½ lakhs as compared with 13 lakhs, the revised estimate of the current year. My Hon'ble friend Mr. Mant has explained to you that the increase is due to the permission given to peasants in the Chenab and Chumian Colonies to purchase their holdings. What Government has really done has been to allow them to redeem their obligation to pay *malikana*, and Mr. Mant has pointed

[*Mr. Dowie ; Mr. Meredith.*]

out that from the point of view of finance the transaction involves loss, and not gain, to the State. Under the 'miscellaneous' heads the changes are unimportant. The general result is a budget estimate of Rs. 347 lakhs or 48 lakhs more than the revised of the current year. Of this 5 lakhs fall under the head of 'ordinary revenue,' and practically the whole of the balance of 43 lakhs is due to land purchase. For the increased revenue in Canal Colonies the Irrigation Department gets an indirect credit. This explains the increase in the amount to be deducted from 32 to 42½ lakhs. The sum remaining for division between Imperial and Provincial is 304½ lakhs. Under the new Provincial settlement, as Mr. Mant has explained, we lose the greater part of our fixed allotments, but get in exchange one-half instead of three-eighths of the land revenue receipts. The Provincial share of the land revenue budget for 1911-12 is Rs. 1,72,38,000 as compared with Rs. 1,64,58,000 in the budget for 1910-11. But for the sale of lands in the colonies there would be a decrease instead of an increase under land revenue because the increase in 'ordinary revenue' is for the most part credited to irrigation.

"As regards expenditure under land revenue, I have little to add to what is contained in Part II of the Memorandum laid before the Council by the Finance Member. Under 'Surveys and Settlements' the budget allotment of the current year was Rs. 10,42,000, but the revised was reduced to 9½ lakhs, and I have recently informed the Accountant-General that he may count on a further saving of Rs. 60,000. The budget for 1911-12 amounts to Rs. 9,88,000. This includes a provision of half a lakh for map correction and bringing up to date land records in Gujrat and Lahore in anticipation of settlement. This expenditure is being incurred in pursuance of the policy, which we are steadily carrying out, of reducing the trouble to the people and cost to the State, which Settlement operations involve.

"The budgets which are headed 'Scientific and Minor Departments' relate almost entirely to receipts and expenditure of the Agricultural and Industrial Department, and to expenditure on account of Co-operative Credit Societies. The receipts amount to the small sum of Rs. 1,20,000, which exceeds this year's budget allotment by Rs. 8,000. The expenditure is estimated at Rs. 7,76,000, which exceeds the budget allotment of 1910-11 by Rs. 68,000. The new budget includes a very modest provision for the encouragement of industries. I do not think the Council will view with alarm a moderate growth of the expenditure on agriculture, industrial development, and village banks."

The Hon'ble Mr. MEREDITH said:—"The revised budget estimate of Excise revenue for the current year ending 31st March 1911 is 56 lakhs. Realizations to the end of January have amounted to 45½ lakhs. There is therefore every likelihood that the revenue budgeted for will be obtained.

"The total revenue budgeted for during the coming year 1911-12 is 58 lakhs, but the results of the auctions of licenses for the retail sale of country spirit recently held show that this estimate will probably be exceeded.

"Reports from districts attribute the increase in the bids for retail licenses to the expectation of prosperous harvests and to the greater protection afforded to licensed vendors by the improved arrangements made by the reorganised Excise establishment for checking illicit distillation. A corresponding increase in still-head duty may be expected. There is a growing tendency among the Indian public especially in cantonments towards the consumption of beer, but owing to other causes it is not likely that there will be any considerable increase in the duty on malt liquor.

[*Mr. Meredith ; Mr. Fenton.*]

" Since the Budget was framed, the duty on charas has been raised from Rs. 8 to Rs. 10 a seer with effect from the 1st April next. Although the probability of the enhancement was announced to intending bidders, the recent auctions of licenses for the sale of drugs foreshadow a considerable increase under this item.

" The results of the recent auctions show that the prohibition of boiling opium before sale has led to a decrease of half a lakh of rupees in the license fees for sale of opium. This decrease was almost confined to four districts, those in which the agitation against the prohibition was keenest. The change has been made in the interests of improved excise administration, it is in keeping with the practice in most other Provinces, and it is not anticipated that its effect will be felt any longer than in the case of the prohibition of the import of Malwa opium. The increase in the issue price of excise opium from Rs. 17 to Rs. 20 in the districts of Delhi, Ambala, Karnal and Gurgaon which border on the United Provinces, and from Rs. 17 to Rs. 18 in other districts of the Province, which will come into force from 1st April next, may be expected to counterbalance the deficiency in license fees.

" Under head V.—Excise, the 'transit duty on excise opium' should read as 'Import duty on foreign opium.' It consists of a duty of Rs. 3 a seer on opium grown in the Hill States, import from Kashmir, which was a very small quantity, having been prohibited from April 1st, 1911. The increase in the revised Budget figures for the current year over the original Budget Estimates under this head was due to uncertainty whether excise opium would be favourably received by the consumers. The use of excise opium is, however, now well established, and imports from Hill States may be expected to revert to their former level. At the same time an increase under the head of sale-proceeds of excise opium may be anticipated.

" *Excise expenditure.* The Excise preventive establishment has been enlarged and reorganised. The new arrangements have only been in force since 1st May 1910, and it would be premature to pronounce definitely on their working. They appear, however, to have given confidence to vendors, and to have operated as one of the causes which have produced such a considerable increase in the bids for retail licenses for the sale of country spirits in all districts but three in the Province, and on the whole the increased expenditure may be considered justified. Some redistribution of the staff may be required, but, in view of the necessity for checking illicit distillation and opium smuggling, it is unlikely that expenditure can be reduced. The total amount budgeted for in the coming year is the same as the revised Budget for 1910-11.

" *Stamps.*—There is a small increase in expenditure of Rs. 11,000, which consists chiefly of discount on the sale of stamps and the cost of stamp paper, and is a necessary concomitant of the increased revenue anticipated.

" *Assessed Taxes.*—The figures for the collection of income tax are the same as for the current year."

The Hon'ble Mr. FENTON said :—" The only budget head with which I am entrusted is that of General Administration ; to this there is no corresponding revenue head. However, this is a head in which I think the Hon'ble Members take a certain amount of interest. It provides a sum of Rs. 10,000 for the expenses of the Legislative Council. Another item of interest is the expenditure under the Lieutenant-Governor's Contract Allowance, in which the expenditure has gone up from Rs. 50,000 in 1910-11 to Rs. 1,35,000 in 1911-12. This extra provision is intended to meet the cost of entertaining official guests at the forthcoming Delhi Darbar. The expenditure will be under the administration of the same authority as that which controls the contract grant of the Lieutenant-Governor. Then there is an increase of Rs. 38,000 on account of the

[*Mr. Fenton; Mr. Tollinton.*]

appointment of a second Financial Commissioner, but a corresponding reduction will be effected by the abolition of the appointment of the Inspector-General of Stamps and Registration. The only other head in which extra provision has been made relates to the temporary increase required for the office of the Accountant-General's Local Audit establishment, towards which a sum of Rs. 8,000 has been provided."

The Hon'ble Mr. TOLLINTON said :—" *VI—Provincial Rates*—Call for no remark. I shall confine my remarks to points of administrative interest in connection with the budget heads of which I am Member in charge.

" *2—Assignments and Compensations.*—The budget shows an increase of Rs. 8,000 on the revised estimate. The increase is mainly on account of compensation paid to owners of canals prohibited from grazing in the Hoshiarpur chos. The importance of protecting land which is subject to the action of these chos cannot be exaggerated, and any stoppage of grazing with this purpose and consequent payment of compensation needs no justification.

" *IX and 11—Forests.*—On both sides of the account the Budget figures give effect to the recent orders from the Government of India that the revenue and expenditure of the Forest Department should be provincialized instead of appearing as hitherto as a divided head. The increase in revenue over the Revised Estimates is only Rs. 20,000. It may be noted that there is an increase of Rs. 1,21,000 in the minor head—'I—Timber and other produce removed from forests by Government agency.' There is an equally remarkable decrease, (Rs. 92,000) under minor head—'II—Timber removed by consumers or purchasers.' This shows that the department has shown greater activity on its commercial side. The sale of standing trees has certain obvious dangers, and, though every thing is done to encourage private enterprise in the exploitation of wood, the market is not as yet a large one, and the department must safeguard their own interests, and use Government agency if necessary. On the expenditure side it will be seen that there is an increase, under B—Establishment, of some Rs. 30,000. This is mainly on account of the reorganization of the Provincial Service, which has not yet received the sanction of the Secretary of State, but it is hoped that this sanction will be received at any rate early in the new financial year. This branch of the service has long waited for a time scale of pay, and the change needs no justification. There is a decrease in A—Conservancy and Works of some Rs. 40,000. This is owing to large items, such as the Patriata ropeway, the new resin factory, and the up-keep of the Hindustan-Tibet Road, not appearing in the current year's Budget. The latter will be carried out, if necessary, by the Public Works Department. Considerable difficulty has attended the construction of the Patriata ropeway, and it is feared that the expenditure on its construction may largely exceed the estimates, though no definite figures can be quoted as yet.

" *X and 12—Registration*—Estimate of revenue repeats the revised. The Government of India raised the budget estimate from Rs. 3,19,000 to Rs. 3,44,000 last year. As the actuals are only Rs. 3,04,000, this has been allowed to stand as the budget figure.

" There is some increase on account of higher pay to low-paid muharrirs, which brings the budget Rs. 4,000 over the Revised Estimate for the current year. This needs no justification.

" *XVII A and 19 A—Law and Justice—Courts of Law.*—The anticipated revenue fee under this head is Rs. 30,000 in excess of the budget. This is mainly under 'General fines, fees and forfeitures' which are necessarily fluctuating.

[*Mr. Tollinton.*]

"The budget follows the revised, and needs no explanatory remarks.

"Total expenditure is estimated at Rs. 80,000 more than the revised. There is an increase of Rs. 24,000 on account of the Chief Court. It is anticipated that a sixth Judge will be required throughout the year and a seventh Judge from October to March 1911-12 to clear off arrears. As to this, the Government of India have been addressed.

"As to law officers the budget is Rs. 4,000 less than the revised, but there is still a marked tendency of fees for public prosecutors to rise, and it would be well if special efforts were made to subject these fees to a special scrutiny in view of the additional expenditure that is being incurred. In the case of Civil and Sessions Courts a small provision has been made on account of a scheme which is now under consideration by the Chief Court for the appointment of District and Sessions Judges, which, if sanctioned, will, it is anticipated, eventually cost Rs. 5,000 per mensem.

"No remarks are required on Courts of Small Causes; any small difference in the estimate is due to the officers holding these posts being of slightly different grades from those holding them at present. In the case of Criminal Courts there is an excess of Rs. 65,000 above the Revised Estimate of the current year. The difference is largely accounted for by excess expenditure under 'Salaries.' A moiety of the cost of the suggested scheme for reorganizing the Executive Branch of the Provincial Service Cadre will also be debited to this head.

"*XVI B and 19 B—Law and Justice—Jails.*—Jail revenues continue gradually to increase. Convict labourers have been successfully employed in excavation work in Montgomery and silt clearance in Shahpur. The budget shows an anticipated increase of Rs. 4,000 on the current year's figures on account of the further extension of the uses of convict labour. On the expenditure side there is an increase of Rs. 60,000. This is due in the main to full provision being made for the reorganization of the subordinate jail establishment and to larger purchases of raw materials. Some provision has also been made for extra expenditure on account of the conversion of the Lahore District Jail into a Central Jail and the construction of a new subsidiary jail at Kasauli.

"*XVII and 20—Police.*—The small decrease in revenues from police does not call for any explanation. Turning to expenditure it will be seen that exclusive of the special assignment of Rs. 5,22,000 made by the Government of India towards the provincialization of Municipal Police the sanctioned budget exceeds the Revised Estimate by Rs. 1,05,000. It is anticipated that this will amply provide for any increases in establishment which may be necessary in the forthcoming year. The figures do not of course provide for the full recruitment of the force up to the sanctioned reorganization scheme. But recruitment depends on other things than budget provision, and judging by past actuals, the rate of progression will not be greater than has been provided for.

"*XX and 24—Medical.*—In receipts there is nothing important to note. There is a small increase on account of the sale of vaccine lymph.

"Turning to expenditure, it will be seen that under the head 'Medical establishment' the budget figure repeats the revised. It is satisfactory to observe that the estimates provide for a substantial reserve of Assistant and Sub-Assistant Surgeons at an annual cost of Rs. 48,600. This was eminently necessary. We must give our doctors leave if they are to continue to do good work.

[*Mr. Tollinton.*]

"It is also noteworthy that the office of the Inspector-General of Civil Hospitals is to be reorganized. This is a long felt want. As the railway have undertaken to meet part of the cost of this establishment owing to the amount of work that is done for the railway by the Medical Department, no addition to the budget has been made on this account.

"With regard to hospitals and dispensaries, we find a small decrease on the figures for the current year. This does not call for any remarks. According to the detailed budget there is a decrease in the current year of Rs. 3,000 only, but the Accountant-General has debited Rs. 13,000 out of the total grant to district funds which makes the deficit compared with last year's figures on our books into Rs. 16,000.

"As regards sanitation and vaccination if you deduct the grant of $7\frac{1}{2}$ lakhs made by the Government of India alluded to in note (c) in the margin of the statement, which I will deal with later, you will observe that the increase on last year's estimates is Rs. 1,09,000. With regard to this increase, I would beg leave to call attention to my remarks on the budget last year, in which a hope was expressed that $3\frac{1}{2}$ would actually be spent in the current year on sanitary works. Owing to the delay in the preparation of schemes this has not been practicable, and only 2 lakhs have been actually so spent. But the increase in this year's budget is amply justified. The Finance Sub-Committee have allotted Rs. 23,000 on account of the malaria investigation, and a sum of Rs. 50,000 has been provided for an enteric hospital in Simla. It is likely that Imperial funds will bear the expense of the latter: but in that case the Rs. 50,000 will probably be devoted towards the improvement of the Dufferin Ward at the Ripon Hospital.

"Turning to the Government of India grant of 10 lakhs, of which $7\frac{1}{2}$ is down to be spent in 1911-12, it may be said that in response to an enquiry by the Imperial Government as to what sanitary schemes we deemed urgent and had ready, we sent up a list of schemes costing in the aggregate Rs. 11,76,000. The Government of India made a grant of 10 lakhs, but out of this, 5 lakhs are ear-marked for an Imperial institution, the Central Research Institute at Kasauli. We are merely to hold this grant of 5 lakhs in deposit. For the rest, I cannot for the moment lay before the Council any definite statement as to how the remaining $2\frac{1}{2}$ lakhs is to be expended. Suffice it to say that of the schemes aggregating Rs. 11,76,000 reported to the Government of India, great importance must, in view of the coming Darbar, attach to the drainage of the Delhi Bela. The water-logging of Amritsar and the drainage schemes necessary to place it beyond the ravages of malaria and the necessity of providing storm water drains in Lahore will naturally command attention.

"Under the head 'Grants for medical purposes' the most important item is expenditure in connection with bubonic plague. In accordance with the recommendations of the Plague Committee which met last year every effort is being made to reduce expenditure by decreasing the Indian Medical Service officers on plague duty and by stopping general ratting.

"In consequence expenditure under this head has been Rs. 65,000 less than was anticipated during the year.

"No change of policy is expected. While wishing to render all the assistance in its power and while taking special measures in the neighbourhood of Delhi in view of the coming Darbar, Government is bound to check expenditure where possible, and to withdraw from all measures whose utility is not proved in the light of recent experience. Consequently no additional provision has been made for the coming year and the figure of the Revised Estimate re-appears in the budget. No remarks are necessary in

[*Mr. Tollinton ; Mr. Godley.*]

connection with the Medical College, Chemical Examiner, or Lunatic Asylum, any small increases being due to the provision of establishment up to full strength or increase in contingencies.

"In laying the above heads of income and expenditure before the Council, I would advert to the efforts being made by Government to better the conditions of service in the case of its lower paid servants. I need only direct your attention again to the proposals made with regard to the introduction of a time scale of pay in the Provincial Forest Service; the increase in pay of registration muharrirs; the reorganization of the jail establishment; the formation of a reserve of Assistant and Sub-Assistant Surgeons; and the strengthening of the office of the Inspector-General of Civil Hospitals."

The Hon'ble Mr. GODLEY said:—"The only material difference between the Education Budget for 1911-12 and that for the current year is that, whereas the estimate of expenditure proposed by the Department for 1910-11 was virtually accepted in its entirety, that for the ensuing year has been curtailed by reductions for probable savings, on the basis of the Accountant-General's Revised Estimates. It is understood, however, that these reductions are not intended to interfere with expenditure which has received sanction in the regular course, and that should such expenditure exceed the estimate, the excess will be met by reappropriation.

"Under the heads 'University,' 'Direction,' and 'Inspection,' there is virtually no change to note. Under 'Government Colleges—General,' provision has been made for the salary of a Professor of Economics and for additions to the laboratory establishment, while the amount provided for boarding-house contingencies has been reduced. The net increase is Rs. 7,500.

"Under 'Government Schools—General,' the estimate is virtually the same as the current year's provision. There are decreases under boarding-house establishments and contingencies and in the grant to local bodies for the maintenance of secondary schools, while, on the other hand, provision has been made for the provincialisation of the Lawrence School at Murree and for the travelling allowances of teachers on transfer. Rupees 36,400 have been deducted by the Accountant-General for probable savings.

"Under 'Government Schools—Special,' considerable reductions have been made, last year's estimate having been proved to be in advance of the requirements, and Rs. 47,000 have been deducted for probable savings. The provision is slightly in excess of the estimated expenditure of the current year.

"For 'Grants-in-aid,' i.e., maintenance and building grants, the provision is Rs. 3,80,000, the revised figure for the current year being Rs. 4,11,000. The reduction is chiefly due to Rs. 25,000 having been transferred from this head to that of 'Government Schools—General,' on account of the maintenance of the Lawrence School at Murree, as it is expected that sanction will be received to the provincialisation of this school.

"The other variations are of minor importance.

"The total estimate of expenditure for 1911-12 is Rs. 22,82,000, or Rs. 10,000 more than the estimated actual expenditure of the current year. Adding the various amounts deducted for possible savings, the total amount would be Rs. 23,69,000, showing a small decrease as compared with last year's provision.

[Mr. Godley ; Mr. Gordon.]

"As regards the special provision of 4 lakhs which has been included in the budget from the assignment made by the Government of India for non-recurring educational expenditure, I may explain that application was made for a grant of 22 lakhs, and that 9 lakhs were given, of which the 4 lakhs now added to the budget are the first instalment. The grant was to be for projects which were ready and which Government deemed to be urgently needed, and accordingly a list was submitted to the Government of India of various schemes which had been approved and which were awaiting the provision of funds. Among the projects mentioned were the erection of a new Normal School and the enlargement of the existing ones, the addition of workshops to the Mayo School of Art and of laboratories to the Government College, and the erection of buildings for Government High Schools now occupying rented and temporary premises, while grants were also proposed for hostels, aided secondary schools, board vernacular middle schools and primary schools, technical and industrial institutions, girls' schools, and schools for Europeans. With so many competing claims and a limited amount to distribute, it is impossible at present to indicate the precise allotment which will be decided on, but the Lieutenant-Governor is disposed to give a prominent place to schemes for which aid from private sources is forthcoming."

The Hon'ble Mr. GORDON said :—"I have little to add to what the Finance Member has said with regard to the figure for Civil Works and Irrigation.

"*Civil Works.*—With regard to Civil Works the lapse of 2½ lakhs on the grant for the Simla Improvement Scheme mentioned by the Hon'ble Member is due to delay in the receipt of tunnelling and pumping plant, to difficulty in obtaining labour, and to the failure of a contractor. It is hoped, however, that the works will be completed by March next.

"The grant for 1911-12 includes special provisions of 2½ lakhs for roads and water-supply and drainage in colony towns, one lakh for high schools, Rs. 30,000 for improving communication between Simla and Kulu, and Rs. 16,600 for a new leper asylum at Subathu. The Engineering School at Rasul estimated to cost 1½ lakhs will, it is hoped, be ready to open in October next. One lakh is provided for the requirements of Chorutta, the new headquarters station of the Dera Ghazi Khan district.

"*Irrigation.*—Under irrigation the expenditure shown as in charge of Civil Officers includes the provincial share of interest charges on the capital cost of existing and new canals. The new works of the Triple Project are steadily progressing, and of the estimated total outlay of 10 crores of rupees about one-half has now been incurred. According to the estimate of the Chief Engineer in charge of the works, the Upper Chenab Canal should be sufficiently advanced to open for kharif irrigation in 1912, and by 1915 at latest all three canals should be in operation and able to supply water in both seasons of the year for the irrigation of about two million acres.

"From open canals the direct receipts during the present year are estimated at 69 lakhs as compared with 67.12 lakhs in 1909-10 and 65.41 in 1908-09. This progressive increase is expected to continue. Our estimate for the ensuing year is put at 96.27 lakhs on the half share basis, corresponding to 71.71 lakhs on the old ⅔ths basis.

The steady improvement which these figures indicate is most marked on the Lower Chenab and Lower Jhelum Canals. On the Lower Chenab, during the past four years, the irrigated area has steadily risen from 1,571,000 in 1906-07 to 2,040,000 acres in 1909-10. During the current year even that large area has already been exceeded; the area irrigated to end of January last amounting to 2,238,000 acres. This is the first instance in the history of irrigation in this country, and indeed in any country, in which a single canal has irrigated in one year an area of over two million acres.

[Mr. Gordon ; Mr. Shadi Lal ; President.]

" On the expenditure side, the figures show a progressive decrease from 28.21 lakhs in 1909-10 to 27.9 lakhs in 1910-11 and to an estimate on the same basis of 26.16 lakhs in 1911-12.

" I may mention that in the dry year of 1905-06 the Punjab Canals irrigated a total area of 6,910,000 acres. No new canal has since been opened, but with the improvements that have since been carried out in a similar year now we should, I have no doubt, irrigate an area of eight million acres. Even this year, when the favourable rain has caused a falling-off of nearly 700,000 acres on the three eastern canals, we have irrigated to the end of January over 7,200,000 acres. The new canals now under construction will add nearly two million acres to the canal area, and the great Sutlej Project, shortly to be submitted to the Government of India, another 2 million, besides converting 1,300,000 acres flood irrigation into perennial. Thus, in the near future, if the Sutlej Project is sanctioned, the canal-irrigated area of the Punjab will reach 12 million acres or just double the area at which it stood ten years ago.

" I ask permission to lay before the Council the figures for the following heads of income and expenditure :—

XXIX and 42—Irrigation—Major Works.

XXX and 43—Irrigation—Minor Works and Navigation.

XXXI and 45—Civil Works.

The Hon'ble Mr. SHADI LAL :—" I beg to move that this Council recommends to the Lieutenant-Governor that the provision for expenditure on Courts of Law (head No. 19 A) be increased by one lakh, and that the increased grant be utilised for the purpose of meeting the expenditure involved in carrying out the following reforms which should be introduced at an early date :—

- (a) The Divisional and Sessions Judges in the Punjab be converted into District and Sessions Judges as is the case in other large Provinces, and all other changes necessary for that purpose be effected :
- (b) The Punjab Chief Court be raised to the status of a chartered High Court.

That the extra money required be made up by a curtailment of the expenditure on Police (head No. 20).

" Before I go into this resolution I may be allowed to state at once that the last sentence of the resolution which deals with the mode in which the extra money is to be provided, does not form a necessary part of my resolution. The rules for discussion of resolutions in connection with Financial Statement require that if the resolution would have the effect of causing the total expenditure to exceed the total amount sanctioned by the Government of India, it must propose some counterbalancing reduction in the estimates, so as to avoid that excess. In compliance with this rule I have proposed reduction in the Police head No. 25. But for the acceptance of my resolution it is not a *sine qua non* that this particular reduction should be made, and I do not intend that any reduction should be made under this head. I find from the statement circulated by the Hon'ble Member in charge of Finance that the estimated balance at the end of the year will be Rs. 49,58,000. I, however, hope that the actual balance will be more than that figure. I propose that one lakh of rupees which I proposed to be taken from Police be taken from this balance."

His Honour the PRESIDENT :—" You are going beyond your own resolution."

[*Mr. Shadi Lal ; Mr. Muhammad Shafi ; Mr. Mant ; the President.*]

The Hon'ble Mr. SHADI LAL :—" Money must be taken from some particular department, and it is open to this Council to provide that the balance, instead of being 49 lakhs, be 48 lakhs. Rule 13, clause (1) G, provides that no resolution shall be moved which does not comply with the following condition, *viz.*—

'if it would in itself have the effect of causing the total expenditure of the Province to exceed the amount sanctioned by the Government of India, it must propose counterbalancing reduction in the estimate so as to avoid such excess.'

"The minimum balance required by the Government of India is only 10 lakhs, we have, however, got 49 lakhs. I do not know whether there is any difficulty in taking out one lakh from this balance. I do not think that it is necessary that I should propose reduction of expenditure in any other particular department. I am not at all anxious that there should be reduction in the Police head."

The Hon'ble Mr. MUHAMMAD SHAFI :—"I beg to invite attention to Rule 16, page 76 ; if this rule is applicable, then there is an easy solution to my Hon'ble friend's difficulty. He can amend his resolution."

The Hon'ble Mr. MANT :—"The rule quoted refers to resolutions on questions of general public interest."

His Honour the PRESIDENT :—"These rules have been framed in such a way as to make a particular set of rules applicable to each class of business likely to arise in the Council. What Mr. SHADI LAL desires is that instead of making a reduction in the Police expenditure or any other head of expenditure, we should take one lakh from the balance to meet the object of this resolution. He suggests that the rules will be sufficiently complied with if the reduction is made in the balance. I have no doubt that the Financial Member may have something to say on this point. I therefore will not pronounce any opinion. I do not think balances can be distinct from the expenditure. If you deduct one lakh from the balance and add it to the expenditure, the net result will be the same. There is an eminent member of the banking profession present here, and no doubt he will agree that it is hardly possible to do as the Hon'ble Member proposes, *i.e.*, to take one lakh of rupees from the balance and add it to another head of expenditure without at the same time increasing total expenditure. The expenditure is absolutely fixed by the Government of India and we are not allowed to increase the expenditure heads fixed by them."

The Hon'ble Mr. MUHAMMAD SHAFI :—"I presume that the estimated balance is part of the estimate as mentioned in the Budget."

His Honour the PRESIDENT :—"Many Hon'ble Members would like to distribute balances which are growing. However to alter the balance is to alter the expenditure."

The Hon'ble Mr. SHADI LAL :—"One thing is quite clear, that it is open to the Local Government to accept a part of a resolution and not accept the other part. It is quite open to them to say that addition should be made to the Judicial expenditure to the extent of one lakh. The other portion need not be accepted. If one lakh is provided in this manner, it will not be necessary to reduce the Police expenditure as proposed in the resolution. I am anxious that the expenditure under Law and Justice should be increased. Now my resolution deals with two points, both of which are of great importance to the Judicial Administration of this Province. The first head deals with the conversion of the Divisional and Sessions Judges into District and Sessions Judges. I find from the Memorandum circulated by the Finance Member, which I

[*The President; Mr. Shadi Lal.*]

received only yesterday, that Your Honour has kindly taken this matter into consideration, and I understand that to give effect to Your Honour's proposals, the Punjab Courts Act is to be amended. I need not therefore labour this point."

His Honour the PRESIDENT :—"I should be glad to hear your views on the subject."

The Hon'ble Mr. SHADI LAL :—"I however wish to observe that the term Divisional Court was introduced by Act XVIII of 1884, the Punjab Courts Act. The term was used for the simple reason that at that time two Judges were appointed to hear appeals. As originally contemplated these Courts were certainly Divisional Courts, but before many months had elapsed it was brought to the notice of Government and of the Chief Court that the work of these Judges fell into arrears, and so after a few months' trial this practice was abandoned, and since then only a single Judge presides over these Courts. This is so far as the term is concerned. The term has remained, though the reason for it has disappeared. In the other large Provinces of India, the Appellate Court, subordinate to the High Court, is called District Court, and the bulk of ordinary Civil work is done by the Subordinate Judges. There are several special Acts of the Indian Legislature, *i.e.*, the Provincial Insolvency Act, the Legal Practitioners Act, the Succession Act, the Divorce Act, &c., in which the term District Court is used and certain functions are assigned to that Court under those Acts. In the Punjab the difficulty often arises which is the District Court for the purposes of those Acts, whether the Divisional Court or the Court known as District Court in this Province. As a matter of fact, one of the Judges of the Chief Court has recently held that the notification under the Provincial Insolvency Act referred to in one of the questions to-day was not clear, and that it was doubtful which Court was meant in connection with the Insolvency Act. The expression Divisional Court is a misnomer. As the law of appeal is to be assimilated to that obtaining in other Provinces, it is necessary that the anomaly and inconsistency arising from this nomenclature should be removed and necessary changes made in the Punjab Courts Act to carry out the reform."

"From a financial point of view I understand that this change will not involve a very large expenditure. The extra expenditure involved will not, I understand, amount to over Rs. 40,000 a year. I trust that under the new scheme the District Judges will not only hear appeals, but will also do some original work, and it will be an undoubted advantage if they do that. There will be a reduction in the number of Sub-Judges, but a slight addition to the number of District Judges who will at the same time be doing original work. I trust that this reform will be soon carried out by the amendment of the Punjab Courts Act."

"The second part of my resolution deals with a very important reform, and as to the desirability of it there can be no doubt. I refer to the elevation of the present Chief Court to a Chartered High Court. This question was raised by me at the discussion of the Budget meeting in April 1910, and Your Honour was pleased to make the following observation :—"The question of raising the Chief Court to High Court has often been mooted, but it is a matter which rests with the Government of India. So far as I am aware there never has been any local objection to the proposal. I would point out, however, that the High Court with all its establishments is an expensive luxury and will cost a good deal more than our present Chief Court."

"It will therefore be seen that not only has Your Honour no objection, but I understand that in 1900 the question was mooted by the Chief Court and the then Lieutenant-Governor, Sir Mackworth Young, recommended it to the Government of India. The Government of India, I believe, declined to sanction the proposal on a ground with which I shall deal later on."

[*Mr. Shadi Lal.*]

"Now I will first deal with the question of cost. I have lately been going into the matter and working out figures and trying to find out what the additional expenditure involved in the scheme would be. Taking five Judges as the permanent strength of the Court, the additional expenditure in the salaries of the Judges will be Rs. 3,000 a month, *i.e.*, one thousand for the Chief Judge and five hundred each for the four Puisne Judges. There will be a slight increase in the salaries of the subordinate establishment and the Registrar's pay will have to be increased. The additional cost on the subordinate establishment and on account of the increase of the Registrar's salary would be about Rs. 2,000. I am inclined to think that the total increase will not be over Rs. 5,000 a month or about Rs. 60,000 a year. Even taking the additional cost to be, say, one lakh of rupees, it is certainly not such an enormous expenditure that this pressing reform should be held back for the sake of funds. If the status of the Court is increased to that of a High Court, this additional expenditure of one lakh could be met from the general income of the Province. Even if the Government is not prepared to meet it from the ordinary sources of revenue, other modes of raising the additional sum could be suggested. One of the ways would be to increase the present process fees, and if this is increased even by one anna, I think the one lakh could be raised from that source. Then again, if necessary, increase the fees for inspecting the records in the Chief Court and Subordinate Courts. In this way the extra one lakh could be easily found. These remedies I suggest as a last resource. This therefore meets the objection so far as finances are concerned.

"There are, however, one or two other objections.

"I find that the Chief Court raised this question in 1888 and in 1891 and again in 1894, and for the last time in 1900. The Lieutenant-Governors sent the matters up to the Government of India, and one of the objections taken by that Government was that the time was not ripe for the consideration of this question. I think the present time, when the Punjab Courts Act is being amended so as to assimilate the law of appeal in this Province to that obtaining in other large Provinces, is the most fitting time for reopening this question. I have no doubt that the Bill will be passed before many months and when that Bill is passed, one of the objections of the Government of India will disappear.

"Another objection raised in 1900 was that the Frontier districts formed a part of the Punjab and that the Chief Court should be, as it were, a minister of Justice, so that it may be able to issue to the subordinate courts orders and directions in a way that would be out of question in the case of a High Court. In 1901 the four Frontier districts which had checked the progress of this Province were taken away and constituted into a separate Province. The argument advanced in 1900 disappeared in 1901.

"Another point which I wish to touch upon is about the status of the Judges of the Chief Court. The tenure of office of the Judges of the High Court differs from that of the Judges of the Chief Court. The High Court also exercises various powers which the Chief Court does not, especially under the Criminal Procedure Code.

"The learned Judges of the Chief Court, the members of the Bar, and the educated public are in favour of the reform. Public bodies, without distinction of caste, creed or nationality, have passed resolutions that the status of our Chief Court should be raised to that of a Chartered High Court. Then we have the Local Government on our side. There is no reason whatever then why the highest Court of our Province should be one of a lower status than that of a neighbouring Province, *i.e.*, the United Provinces of Agra and Oudh.

"The Chief Court was constituted in 1866, *i.e.*, 45 years ago. During this period great progress has taken place in education and commerce, and I resent the suggestion that this Province is a backward Province. In the United Provinces there has been a High Court for many years. I have not been able to find out the reasons for treating the Punjab differently, and the reasons that apply to the United Provinces apply also to this Province.

[*Mr. Shadi Lal ; Lala Sultan Singh ; the President ; Khwaja Ahad Shah.*]

"In conclusion, I would point out that the amendment of the Punjab Courts Act is a very suitable time for re-opening this question. Moreover, this year is a very favourable one for making the change. Their Majesties are holding their Coronation Darbar in December. Eastern people always associate the coronation with the grant of political concessions and privileges. May I suggest for Your Honour's consideration that the raising of the Chief Court to the status of a High Court might well be the King Emperor's Coronation gift to this Province, so that we may have a charter from the King Emperor himself.

"Briefly summing up, I think I have met the financial difficulty, the difficulty on account of the Frontier districts, and the other difficulties raised against this scheme from time to time. I have also pointed out that the Chief Court is in favour, the educated public are in favour, various public bodies are in favour, and, lastly, the Local Government has been in favour of this change. In these circumstances, I do not understand why this much-needed reform should be delayed.

"With these remarks I beg to move the resolution standing in my name."

The Hon'ble Lala SULTAN SINGH :—"The proposal is one which is of particular importance to the commercial community. Commercial cases of great importance come before the Chief Court. I believe there is no reason why this Province should be on a different footing in the matter of its highest tribunal from the United Provinces. Trade and commerce are making great progress, and it is quite time that our highest tribunal should command greater respect not only in our Province but also outside. I think that our highest tribunal of justice should be raised to the status of a High Court. New dignity will be attached to it. Moreover, in the interests of justice, the Chief Court should be independent of the local authority—I mean the local executive authority."

His Honour the PRESIDENT :—"The Judges are not dependent on the local authorities. They are appointed by the Government of India."

The Hon'ble Lala SULTAN SINGH :—"I mean people will value their appointments more if they are made direct by the King under the charter. This will be appreciated by all without distinction of caste or creed. The Hon'ble Mover has explained fully the advantages of a High Court. With these remarks I beg to support the resolution."

The Hon'ble Khwaja AHAD SHAH opposed the resolution. He spoke in Urdu, a translation of which is as follows :—"Your Honour, I regret I am unable to support these proposals, inasmuch as they will neither promote the interests of justice nor prove beneficial to the people. So far as I can think the proposals should be calculated to secure such improvement over the existing arrangements as would justify the increased expenditure of one lakh. The system of administration of justice now obtaining in the Province will not in any way be improved by the proposed increase in the number of officers. The Punjab will no doubt gain the distinction of being placed on a footing of equality with the United Provinces. There would be no objection to this if the distinction could be obtained without an increase in the expenditure, but it is very dear for the increased expenditure of rupees one lakh. There are at present 18 Divisional Judges and 30 District Judges in the Province, most of whom are Indians who perform the duties of District Judges on their original pay. The proposal of the Hon'ble Rai Bahadur SHADI LAL would necessitate the appointment of a Sessions Judge in every district who will also discharge the duties of a District Judge. At the same time it will also be necessary that these officers should draw such pay as may

[*Mr. Muhammad Shafi.*]

not be a hindrance in the way of their being invested with the powers of Sessions Judges. It is, therefore, likely that the Indian officers who are discharging the duties of District Judges will not, having regard to their (small) pay, be considered suitable. In that case 12 more Sessions Judges will have to be appointed for the remaining districts of the Province. If their average pay be calculated at the rate of Rs. 1,800 per mensem, the extra cost will approximately be 2½ lakh rupees. If my friend proposes that the said Indian officers may be allowed an increased pay and invested with these powers, the proposal may involve less expenditure. But the people will never be satisfied with the justice administered by them. It is an admitted fact that the higher the pay of an officer, the greater the confidence reposed in him by the people. The powers of a Sessions Judge are not such as may be exercised satisfactorily by an officer getting ordinary pay. On the other hand, when it is considered that there is no defect in the administration of justice under the existing circumstances, it would be an act of extravagance to incur so much extra expenditure merely for the sake of winning a distinction for the Province. The administrative powers of District Judges now exercised by Indian officers on their original pay will have also to be withdrawn, which will undoubtedly cause dissatisfaction among them. Similarly, I do not agree with the proposal to raise the Chief Court to the status of a High Court. So far as I think it is also not to the interests of justice and the people. The extra expenditure to be incurred on these schemes is proposed to be met by reducing the expenditure under *Police*. I regret I am opposed to any reduction under this head. In my opinion the larger the amount spent on *Police* the greater will be the happiness and prosperity of the people. It was due to the *Police* alone that peace was maintained in the country during the last few years. It is the *Police* Department which protects the life and property of a person from his birth till after his death. In short, no amount spent on the improvement of this department can be considered too much. It is the general desire of the people of India that the Indian *Police* should be equal to the European *Police* in efficiency, and without extra money it is impossible to attain that end. In my opinion it is not desirable to raise the Chief Court to a High Court and to reduce the expenditure on *Police* in order to provide for the former."

The Hon'ble Mr. MUHAMMAD SHAFI :—"Your Honour, in the beginning of 1890, when I was in London I had the pleasure of meeting Sir Charles Turner, late Chief Justice of Madras. Before his transfer to Madras he was on the bench of the Allahabad High Court. During the course of our conversation, the remarkable progress made by our Province happened to be one of the subjects of discussion. The Hon'ble Members can well imagine the gratification with which I heard that gentleman speak of the rapid progress made by our Province. He told me that he had visited the Punjab when he was on the Allahabad Bench, and comparing the condition of the Punjab with the United Provinces he said that at that time the United Provinces were far ahead of us. On the other hand, when ten years later he again visited the Punjab after his transfer to the Madras High Court, he was, he said, quite surprised to see the rapid progress that the Punjab had made within that short space of time. He then found that the Punjab had gone ahead of the United Provinces. Twenty-one years have gone by since that learned Judge expressed this opinion and the judicial administration of our Province is still presided over by a Court which I can only characterize as an absolute anomaly. It is true that in this Province we have not got large landed proprietors such as we find in the neighbouring Province. But it must not be forgotten that the majority of the Talukdars are not subject to the jurisdiction of the Allahabad High Court, but are subject to the control of the Judicial Commissioner, Oudh. In the matter of agricultural prosperity, one has only to refer to the Punjab Colonies established during the last 20 years to the growing volume of trade in wheat and other grain and the marvellous triumphs in canal construction in order to make it clear that the Punjab is certainly ahead of the United Provinces,

[*Mr. Muhammad Shafi ; Lala Hari Chand.*]

Can our neighbours show equal progress ? So far as progress in commerce and industry is concerned, the matter was so ably discussed in Your Honour's speech made at the opening of the Industrial Exhibition that it will be absolute waste of time to dwell upon it again to-day.

"In matters of educational advancement the Punjab does not occupy a position inferior to that of the United Provinces. I may here venture to invite attention to the significant fact that the Punjab has made inroads even on the educational pastures of that Province. About one-third of the number of students of that great M. A.-O. College belong to the Punjab, although that institution is situated in the neighbouring Province.

"Having shown that we are absolutely in advance of that Province, I ask why should we be left in the background in regard to our highest tribunal of justice ?

"So far as the financial aspect of this question is concerned, my friend Mr. SHADI LAL has put the matter before this Council fairly and fully, and it is not necessary for me to say anything more on that point. I will not therefore take up further time of this Council by referring to that point.

"This all round prosperity and the progress made in education having brought home to the people of this province the knowledge of their rights, have resulted in increase of litigation. With a view to meet this increased litigation four additional Judges had to be appointed only a short time ago, and the Local Government are now again compelled to ask for a seventh additional Judge. These facts furnish conclusive arguments in favour of elevating the status of the Chief Court to that of a High Court. There is nothing whatever to distinguish the Punjab from some of the other more fortunate provinces in this respect.

"So far as political importance is concerned, this province towers head and shoulders above some of the other provinces which can boast of a High Court. I say, again, there is no reason why we should continue to be deprived of this privilege. Therefore in the name of justice and fair play I ask the Local Government to accept the resolution which has been moved in this Council to-day and recommend to the Government of India the elevation of the Chief Court to that of a High Court.

"Sir, in 1900 the Punjab Government was prepared to raise our Court to the status of a High Court : the Government of India was, however, not then prepared to accept that recommendation. From the reply that has been given recently to a question put in the Imperial Council on this subject, I am inclined to think that the Government of India are now prepared to consider this matter should the Punjab Government think fit to re-open the question and approach them again.

"With these remarks I beg to support the resolution."

The Hon'ble Rai Bahadur HARI CHAND :—"In supporting this resolution I beg to submit that the resolution has been very ably placed before this Council by the Hon'ble speakers who have already supported it and by the Hon'ble the Mover of the resolution. This province is not at all backward to the United Provinces.

"I feel sure that this is a movement which has the support not only of the public, but I think the officials are also in favour of it. The educated public, merchants and every class so far as I know have been for the last 20 years looking forward for the change.

"If during Your Honour's time this boon will be conferred on this province, the Punjab will always remember Your Honour with gratitude."

[*Mr. Fenton.*]

The Hon'ble Mr. FENTON :—"The first portion of the resolution refers to the conversion of the present Divisional and Sessions Judges in the Punjab into District and Sessions Judges as in other provinces. The matter is under consideration, the Chief Court having submitted proposals in the matter. I am sure this resolution will strengthen our hands when the time comes to forward the scheme to the Government of India.

"One point with which I disagree with Mr. SHADI LAL is his description of the reason why a bench of two Judges is termed a Divisional Bench, a description which suggests the idea of a Bench always being divided in its opinions.

"Coming to the second part of the resolution, the conversion of the Chief Court into a High Court, I observe that the principal effect of this change will be an increase of Rs. 5,000 a month or Rs. 60,000 a year.

"Now, speaking as an individual member and not as a Secretary to Government I welcome the Hon'ble Member's resolution because I desire to lose no opportunity of emphasising the fact that the differential treatment in the matter of salaries which is meted out to most of the ranks and grades of Government officers in both the judicial and executive branches of the Indian Civil Service of this Province, as compared with their fellow-workers in the same service in the so-called Regulation Provinces, is unjust, and, as I have good reason to know, is widely felt to be unjust by a large body of deserving officers in the Punjab Commission. The resolution now under discussion marks the fact that this differential treatment extends even to the occupants of the bench of the highest tribunal of the Province. Nevertheless, I do not support it. I do not support it because I am not able to agree in the suitability of the particular expedient whereby the Hon'ble Member would make its adoption financially possible. I think my friend the Hon'ble Mr. MANT will be able to show that it is undesirable to alter the budget in the manner proposed. But even if we were in a position, from the financial point of view, to make a grant for the amelioration of the condition of an over-worked and under-paid service, I am afraid that my sympathies would not be engaged with the woes of those members of it who have for the present to be content with salaries of only Rs. 3,500 a month. After all that is a subsistence rate. It is rather with the more lowly placed members of the service, including in that category Commissioners whose expenses are in the Punjab exceptionally heavy as well as Divisional Judges, Deputy Commissioners and Assistant Commissioners it is rather with these than with the Judges of the Chief Court that I feel moved to sympathy; and if there were any money available for remedying the grievances which officers are required to endure by reason of the non-regulation stigma attaching to the Province, I would be inclined to advocate our beginning at the bottom where the shoe pinches most, and would leave the conversion of the Chief Court into a High Court until the day when that court could exercise jurisdiction over a province which in other respects had been raised to the regulation standard.

"Now, Sir, Mr. SHADI LAL has omitted to deal with one aspect of the case, namely, the advantages which are expected to accrue from the conversion of the Chief Court into a High Court, and it is just because the advantages of the scheme were not set forth on previous occasions that the Secretary of State refused to sanction it. The circumstance that public bodies wish for the change furnishes no explanation of its advantages. Nor have I been able to discover what are the powers which the High Courts enjoy which the Chief Court does not. It is true that an Advocate of the Chief Court is required to file a power-of-attorney, but this could be remedied by legislation. The Hon'ble Mr. SULTAN SINGH says that the Judges are under the local executive authority. They are nothing of the kind. They are appointed by the Government of India, and so far as the independence of the Judges is concerned it does

[*Mr. Douie ; Mr. Shadi Lal ; the President.*]

not matter a straw whether they are appointed by the Government of India or by His Majesty on the recommendation of the Secretary of State.

" Lastly, there is reason for delay because the law of appeal has not yet been assimilated to the law of appeal in the rest of India. We should get through with our legislation on this subject before approaching the Government of India about the Chief Court.

The Hon'ble Mr. DOUIE :—" We have had a very interesting discussion on this subject. As, however, Mr. SHADI LAL is unable to support the whole of the resolution, I propose that he should withdraw it. He might be satisfied with what he has laid before the Council. Obviously the proposer of the resolution is not prepared to support it, and cannot vote for it, because he withdraws one vital part of the resolution dealing with the reduction under Police head."

The Hon'ble Mr. SHADI LAL :—" Is it necessary that we must direct our attention to the second part? In any case it is perfectly open to this Council to accept only one part of the resolution and reject the other part."

His Honour the PRESIDENT :—" All I can say at present is that I will take up this question and examine all the correspondence and see if any case can be made out in view of the altered circumstances of the Punjab and the separation of the North-West Frontier Province and the general increase in litigation. I cannot guarantee to make any recommendation, but I am prepared to take up the case and examine it fully.

" If this resolution or a similar one is brought forward otherwise than with the Financial Statement, I am quite willing to give it every facility of being considered."

The Hon'ble Mr. SHADI LAL :—" In view of what Your Honour has said, I beg leave to withdraw this resolution for the present, and will bring it up later if necessary."

The Hon'ble Mr. SHADI LAL :—" I beg to move that this Council recommends to the Lieutenant-Governor that the provision for expenditure on education (head No. 22) be increased by two lakhs, and that the increased grant be applied for the purposes of increasing the number of primary schools, making necessary improvements in the existing ones, and raising the pay of the teachers in the primary and secondary schools and for improving collegiate education. That the extra money required be made up by a curtailment of the expenditure on Civil Works (head No. 45).

" The same objections that have been urged against my previous resolution will also apply to this. I urge that money be taken out of head No. 45, Civil Works, to meet the object of my resolution.

" With regard to the first portion of my resolution, I find that in the Budget of 1910-11 a provision of Rs. 23,72,000 on the expenditure side, under head Education, was made while the sanctioned estimate for 1911-12 is Rs. 26,82,000 or, excluding the 4 lakhs coming directly from the Government of India, Rs. 22,82,000; consequently there is a reduction of Rs. 90,000. Mr. GODLEY has explained that as the amount sanctioned last year was not spent, the Accountant-General advised the reduction of the grant for the next year. That may be a proper procedure, but I am not concerned with it. I must however observe that in every Province there has been an increase of expenditure under the educational head. But it is rather strange that here in the Punjab we are reducing expenditure on education, more especially at a time when the Government of India are keen on primary education, and further grants have been made from the Imperial revenues towards it.

" I find from the Administration Report of the Punjab Educational Department, that there were 3,408 primary schools in 1908-09, and that in

[*Mr. Shadi Lal ; Lala Sultan Singh.*]

1909-10 the number was 3,345; a decrease of 63 primary schools. I further find from that report that the decrease was due to the fact that the District Boards did not sanction funds to meet the expenditure on some of the primary schools maintained or aided by them, as they had no funds. Thus 63 schools were closed for want of funds. This is rather serious. I submit that there ought to be an increase in the number of our primary schools. We should try to have one primary school for a village or group of villages. The additional grant mentioned in this resolution may, if necessary, go also towards the restoration of the schools which were closed. The additional grant I am asking is not too much. Part of it will be used for furniture and other appliances, and a portion should be used in increasing the salaries of the teachers. I raised this point last year. The teachers in these District Board schools get a pittance of Rs. 7 a month. It is well known that an ordinary labourer earns 8 annas a day or Rs. 15 a month. I will be very grateful to Your Honour if the pay of these teachers could be raised. I understand that Mr. FENTON is working out a general scheme for increasing the pay of those subordinate officials who get Rs. 50 and less. But in any case apart from the general scheme it is absolutely necessary that early steps should be taken to increase the pay of the teachers who get low salaries.

"I want to mention here the question of increasing the pay of the members of the Provincial Service of the Education Department. Their initial pay, I understand, is Rs. 200 a month. I think that on this pay we cannot attract our best graduates. This pay compares very unfavourably with that of the members of the other Provincial Services, especially the Judicial and Executive Branches.

"Next, I wish to refer to question of collegiate education. We are going to have a Professor of Economics in the Government College, for which we are grateful to Your Honour. But the Biological Department of the Government College must also be strengthened. The number of students in the science classes has increased. It seems that the question of the appointment of a Professor of Botany should be taken up early.

"Then there is another question, whether the Provincial Government should not make some grant to the University. In this connection I must point out that on the results of the University Examinations some scholarships are given by Government and some by the University. The number of these scholarships was fixed 25 years ago. Since then the number of candidates has gone up four times and the cost of living has gone up. The matter was taken up by the University a short time ago. The University pointed out that if the number and the value of the scholarships should be increased the University is prepared to bear a part of the additional expenditure and the Government should do the same. Mr. GODLEY is acquainted with this matter, and I request that a grant may be made towards these scholarships—say, about Rs. 3,000 a year; that is not asking too much.

"In the Science Faculty the University makes provision for the teaching of not only Biology but also Astronomy. Practical Astronomy can not be taught without an Astronomical Observatory. The University has before it the question of building an observatory, and I hope the Government may see its way to making a grant to the University for this purpose. The University is developing a scheme.

"With these remarks, I propose that a sum of 2 lakhs be added to the educational grant, and that the money be taken from Civil Works—head No. 45."

The Hon'ble Lala SULTAN SINGH said :—"I beg to give my cordial support to the resolution moved by my Hon'ble friend, Mr. SHADI LAL, and associate myself with all the remarks he has made about our educational needs. The

[*Seth Adamji Mamooji ; Mr. Godley ; Mr. Mant.]*

sum of rupees two lakhs which this resolution requires to be appropriated from the head Civil Works to Education is, I think, a modest one. I think it may be possible to spare this amount without seriously upsetting the programme under that head, while to the much-needed funds for educational reforms this sum would make an appreciable addition. However, if it is not possible to provide this money in the present Budget, regard may be had for an extra provision of money for this purpose in the Budget of the following year."

The Hon'ble Khan Bahadur ADAMJI MAMOOJI :—" Your Honour, the resolution moved by the Hon'ble Mr. SHADI LAL deserves special attention of the Council. I cordially support this resolution. It is generally complained that the primary schools in the villages are hardly sufficient to meet the present requirement. As demand for education is growing day by day, so, in the interest of the public, it seems desirable that Government should be more liberal in opening new primary schools in the villages where their want is much felt, and it is well known that Government is not unaware of the fact. The Educational Department has hitherto failed to provide efficient teachers for the schools in existence. The question may be asked to what is due the scarcity of efficient and able teachers. The answer is not far to seek. Our educated people are disinclined to join the Educational Department because the remuneration offered in that department is comparably lower than other departments, and hence the Educational Department is not an attraction to the people. Unless some remedy is soon found out to regulate the supply of efficient teachers, the Educational Department, it is feared, will suffer great deal. The remedy is close at hand, if Government be graciously pleased to untie the string of their purse. In the present case Government have not to put their hands into the pocket, but their sanction is solicited to transfer money from one head to another where it is most needed. I do not suppose that this transfer of figures will be grudged by the Hon'ble Member in charge of the Civil head who has been amply provided as it is evident from the Finance Budget figures. The decrease of 2 lakhs from the Civil head will not, I hope, affect the requirements of the Civil departments. The decrease is a small one, and it works out to be 2.8 per cent. With these few remarks I strongly support this resolution."

The Hon'ble Mr. GODLEY :—" As the representative of the Educational Department my sympathies are with Mr. SHADI LAL, as a proof of this I can say I have been constantly advocating an increase specially in salaries of the teachers. The question of funds is one for the Hon'ble Finance Member to deal with."

" At the present moment I cannot support the appropriation of any grant without having any definite idea as to how to spend it. That will not be a wise policy. I may, however, say that a scheme is being worked out for the improvement of the salaries of the teachers in the primary schools. When the scheme is matured it will doubtless receive the attention of Government "

" As regard the other matters dealt with by Mr. SHADI LAL, especially in connection with the additional Professor for Botany and other improvements, I do not think that we can undertake to spend money without such questions being worked out."

The Hon'ble Mr. MANT :—" Since the settlement of the Provincial Contract, I find that the expenditure on education has gone up from 12 lakhs to nearly 23 lakhs. When the Settlement was framed in 1904-05 the standard of expenditure on education was taken at 12.26 lakhs. During the first three years of the Settlement Government spent 18 lakhs a year under the head 22—

[*Mr. Mant ; Mr. Fenton ; Mr. Shadi Lal.*]

Education and also made contributions to local bodies towards this object. From 1908-09 the contributions were merged under the same head and expenditure on education averaged Rs. 22,52,000. In the Budget for the next year we have made a provision of Rs. 26,82,000.

"I was therefore surprised to see this motion on the agenda when such large additions have been made to the Educational Budget.

"Mr. GODLEY has just told us that he does not know how to spend the extra money, if it is given to him, while Mr. GORDON will be well able to spend it. The figures which I have quoted show that the Educational Department has not been starved. I would let the Budget remain as it is.

"Mr. SHADI LAL thinks that we have reduced our expenditure; where he gets that argument I cannot say, certainly not from the figures on education. He speaks of the last year's Budget as expenditure; it is not expenditure, at all but only a forecast of expenditure. This year we have made more accurate forecasts, but we have made provision for all the requirements put forward by the Director of Public Instruction."

The Hon'ble Mr. FENTON :—"With regard to primary education, I must point out that our existing primary schools are full to overflowing. I must also point out that Government incur as expenditure in building schools, and the erection of these buildings comes under Civil Works—45. From this head if Mr. SHADI LAL wishes to reduce expenditure, it would be defeating the object of his resolution, because we will not then be in a position to carry out the necessary educational building works."

The Hon'ble Mr. SHADI LAL :—"I am fully aware that the expenditure on major buildings for educational purposes is met from this head, but that will not affect my resolution, as the Hon'ble Mr. Gordon could easily spare one lakh from that head.

"With respect to the Hon'ble Mr. FENTON's remarks, I certainly do say that we should increase the number of our primary schools. The reduction of 63 ought not to have been made, and I trust funds will soon be found to revive them.

"With regard to Mr. MANT's remarks, what I meant to say was that the provision for expenditure on education has been reduced in the next year's Budget. In the Budget for the year 1910-11 we provided for an expenditure of Rs. 23,72,000, and because the whole of that amount has not been spent, the next year's grant is reduced by Rs. 90,000. Mr. GODLEY may not have been extravagant, but that is no reason why you should reduce the grant for expenditure on education next year. This grant of Rs. 26,82,000 is, I submit, misleading, because 4 lakhs out of it are earmarked by the Government of India. We are dealing here with provincial grants and not with grants made by Government of India. I, however, understand that Mr. GODLEY is in entire sympathy with my resolution, but he says that he has no schemes. When I ask for schemes, he says, what is the use of schemes when we have no money. In that way we are on the horns of a dilemma. Well, it seems to me that one or the other must come first. Let us provide money, and surely Mr. GODLEY can provide us with schemes. At any rate if Mr. GODLEY wants schemes I can make suggestions to him. Increase the teachers' salaries, provide professors for colleges, do something for the proposed observatory, and at any rate restore the 63 primary schools which have been closed for want of funds."

[*The President.*]

His Honour the PRESIDENT :—" I may say at once that the Punjab Government is in sympathy with the desire to extend education and more especially primary education. We are taking such steps to that end as we believe to be the most satisfactory. The Hon'ble Members are well aware that for some years primary education has been under the control of the local bodies and not under the Local Government. Therefore in order to extend primary education it was necessary to induce local bodies to take action and put themselves in a position to be able to meet the extra cost involved in the extension of these schools.

" With regard to the question of the teachers, I am in full sympathy with them. The number of lowly paid teachers serving directly under Government is very small, and I think that I am correct in saying that we have already fixed a minimum of Rs. 10 for teachers serving directly under Government. Of course there are teachers receiving less than that amount serving under local bodies and earning what certainly could not be described as a living wage. There has been a great deal of discussion about this question and a certain amount of friction in the past. That is to say, the district boards and municipalities objected to what they termed departmentalism. They objected particularly to the departmentalism of the Educational Department. This was a most regrettable thing. In order to show the district boards that there was no desire on the part of the Educational Department or any other department to restrict their liberties and freedom of action, last year a measure was introduced which I have reason to believe has been most successful and has already obviated a great deal of friction. We placed the Commissioner as a sort of buffer between the Educational Department, and the Public Works Department and the local bodies concerned. It is the duty of the Commissioner to control these bodies. The Deputy Commissioners are presidents of the boards, but they are directly subordinate to the Commissioner. The Commissioner is a man of ripe experience and knows the conditions of the districts in his division. There is therefore not the same danger of friction arising in these circumstances as there was when the local bodies dealt directly with a Government department. With regard to primary education, the arrangement now is that the Circle Inspector of Schools approaches the Commissioner and points to him how primary education should be extended and the money sanctioned by Government for that purpose laid out to the greatest advantage. The Commissioner after duly considering the suggestions distributes the grant for primary education in his division. I have no doubt whatever that the Presidents of the district boards take very good care to see that the counsels of the Commissioner, who is a friend of the district boards, are considered. The real difficulty hitherto has been funds. We have increased grants considerably during the last seven years as pointed out by Mr. MANT, *viz.*, from 12 lakhs to 23 lakhs. That is not bad progress. We may even go further, and I may assure the Hon'ble Member that if funds are available—and I think in future they will be available—we have now got a proper organisation to see that the money given to primary education is properly spent. It has already been explained how we hope to enable the district boards to cope with Public Works Department expenditure.

" It is also quite possible that in good many cases the district local rates are low. And in places where it is not likely that there will be any settlement for many years, it is for the consideration of the local bodies, whether the local rates should not be raised to a higher amount in order to enable them to spend larger amounts on primary education.

[*The President ; Mr. Shadi Lal.*]

"As to higher education, my views on this subject are well known. Perhaps they are not entirely approved. I think it only right that persons who derive benefit from higher education should contribute towards the advantage they derive. I am glad to say that an attempt made in this direction in a large European school in this province has been successful. We raised the fees from Rs. 25 to Rs. 40. I was told that it would result in the school being empty. I am happy to say that the result, however, proved the contrary. The school has now a larger number of students than it ever had before, and also students of a better quality. The same thing happened in one or two other instances in which attempts were made to make the students who derived benefits of higher education contribute more adequately towards the cost of that education. The burden imposed on students seeking higher education is not in my opinion crushing. I have not the least desire in existing circumstances that higher education should be entirely self-supporting, but we must treat it on a different basis from that of primary education. As long as I find the results satisfactory, I will persist in my wickedness, if such it be.

"With regard to the question of the appointment of a second Professor for Biology, the question has already been brought to my notice, and I am considering how best we can meet the need. With regard to Astronomy, if the University is prepared to take up the subject, it is quite possible that we might be able to arrange to make a small contribution from the Provincial Funds.

"In the case of the particular resolution before the Council, I am afraid I cannot recommend it to the Council, and although I may agree with a great deal of what the Hon'ble Member says, I cannot rob Peter to pay Paul.

"The Public Works Department has been for great many years the milch cow of other departments, and its charges have been cut down terribly. As a matter of fact with regard to Police buildings alone I may mention that, though there are buildings which have received administrative sanction to the extent of 7 lakhs, we have not been able to construct them as yet. As a consequence the Police are living in places in reed huts without any sort of accommodation, simply because when any reduction had to be made in the expenditure side it was always made from the Public Works Department. Consequently this year we gave more to them. The Government of India insisted that our extra grant this year should go to non-recurring expenditure, and Public Works Department expenditure is generally incurred on non-recurring works, and that is why this year the Public Works Department grant compares so favourably with other departments. For the last three years we have largely appropriated from the Civil Works, and our expenditure on establishment has been 30 per cent. of our total expenditure—this is hardly business. We cannot reduce permanent establishments. Can the Hon'ble Member specify from what particular item we can appropriate from the Civil Works? It is also possible for local authorities to make larger grants this year as we are relieving the district boards and municipalities of Police charges. The Hon'ble Members of this Council, who are also members of the district boards and municipalities, will, however, see that the money set free is not squandered, and I have no doubt that education will absorb a large portion of the surplus available from the Municipal Funds. I trust we shall be able soon to restore the 63 primary schools which the Hon'ble Member says have been closed for want of funds."

The Hon'ble Mr. SHADI LAL :—"In the circumstances explained by Your Honour I beg to withdraw my resolution."

[*The President.*]

His Honour the PRESIDENT :—“ I must congratulate the Council on the very favourable position of the Punjab finances. The Hon'ble Members are aware that for the last two-and-half years we have been striving in season and out of season to induce the Government of India to recognise that our present Provincial Contract was very unjust and unfair, inasmuch as a very large portion of it was a fixed assignment, so that we had to meet a growing expenditure with a stationary income. When we first raised the question we were absolutely felled to the floor. We were told that it was preposterous to say that the contract was not everything desirable. However, to be felled officially is not the same as to be felled physically, and we were enabled by various openings and with proper respect to the Government of India to return to the charge. The Hon'ble Mr. FENTON placed the Punjab case very clearly before the Government of India at the last Calcutta sessions. I am glad to say that the correctness of our view was recognised, and although we have not got all we wanted, we have got a good deal. What is more the Government of India are recognising that the process of decentralisation could be further extended, and that there should be less tampering with the Budgets than was done formerly, and they may give us a freer hand in the management of our Budgets. A great deal of difficulty is experienced through the Provincial and Imperial Budgets being forced through concurrently. We are directed to pass our Budgets by a certain date and that date a very unsuitable date for a budget dependent on agricultural seasons and are so compelled to make a forecast as best we can. Our figures are then considered by the Government of India, in the light of the note of the Accountant-General and often altered in the Finance Department, more particularly on the receipt side. Sometimes they are right, but often the local forecast as has happened this year is correct.

“ As regards expenditure, the Government of India have taken, and I think rightly, the final word out of our hands. Our heads of expenditure must correspond with their heads of expenditure, and that is why the Hon'ble Member finds considerable difficulty in proposing resolutions connected with the Financial Statement. However, the position of the Punjab is very much better under the present contract than it was last year.

“ We have also benefited by the sale of Government lands, more particularly in the colonies. Though it is a temporary benefit, for we have actually lost in this transaction, yet none of us grudge the loss, as these receipts may enable us to maintain a more reasonable rate of expenditure until our canals become more productive of direct revenue.

“ In conclusion, I think we may congratulate ourselves on the very much easier times in which we find ourselves now placed. I hope also our balances will be considerably higher than those which the Government of India have estimated.”

ADJOURNMENT.

The Council adjourned until Friday, the 17th March 1911.

Dated the 16th March 1911.

S. W. GRACEY,
Secretary, Legislative Council.

APPENDIX I.

List of reappropriations of Rs. 5,000 or over sanctioned since the 1st of April 1910.

Major and Minor Heads from which transferred.			Particulars.	Amount.
				Rs.
1.	3—Land Revenue ...	...	Additions and alterations to Divisional Judge's Court at Ferozepore.	14,630
	(Land Records.)		Construction of rooms for Section Translators in Chief Court.	
2.	19 B.—Law and Justice—Jails...	...	Rawalpindi Leper Asylum ...	5,145
3.	Ditto	...	Exchange of Government land for land to be acquired for Agricultural Station, Gurdaspur.	5,000
4.	24—Medical ...	...	Health Officer, Lahore	15,100
	(Hospitals and Dispensaries.)			
5.	21—Medical ...	...	Additional Grant for Chief Court Minor Works, Judicial Buildings (mortuaries).	7,000
	(Plague Grant.)			
6.	Ditto	...	Increased rate of pay to Sub-Assistant Surgeons.	9,200
7.	Ditto	...	Expenditure on the preliminary survey of the reservoir sites in the Bahwa and Kahan torrents.	10,500
8.	24—Medical ...	...	Contribution to the Salvation Army, Sansi Reformatory settlement at Lahore.	5,000
	(Sanitation.)			
9.	Ditto	...	Cost of printing of "local rules and orders".	7,500
10.	Ditto	...	Legal Remembrancer for fees to Public Prosecutors.	26,036
11.	Ditto	...	Deputy Commissioners, Kangra and Hoshiarpur.	5,000
			(3—Land Revenue) Class B Contingencies.	
12.	Ditto	...	Combined Municipal and Cantonment water-supply, Dharamsala.	10,000
13.	32—Miscellaneous ...	...	Subathu Leper Asylum	5,400
	(Miscellaneous and unforeseen charges)			
14.	Ditto	ditto	Combined Court-house and residence for Sub-Divisional Officer at Shekhpura.	12,000
15.	45—Civil Works ...	...	Fostering of local industries	20,000
	(Public Works Department Budget)			
16.	Ditto	ditto	Educational Minor Works	10,000
17.	Ditto	ditto	Purchase by Government of house occupied by the Deputy Commissioner, Gurgaon.	15,000
18.	Ditto	ditto	Construction of quarters for Superintendent in charge of Government Press, Simla.	9,500
19.	Ditto	ditto	Diversion of the Hindustan-Tibet Road -	19,000
			Machun to Gaura.	
20.	45—Civil Works ...	...	Chorutta water-supply	20,500
	(Provision of 1 lakh for Dera Ghazi Khan.)			
21.	Ditto	ditto	Quarters for Tahsildar, Police Station and protective bund at Chorutta.	16,000
22.	45—Civil Works ...	...	Colony Works (Town Improvement Fund).	50,000
	(Public Works Department Budget.)			

APPENDIX II.

Memorandum by the Finance Member of the Punjab Legislative Council explaining the general financial situation of the Province in the current and ensuing years, together with memorandum explaining the estimates of revenue and expenditure under the various major heads.

PART I.

The first part of this Memorandum deals with the general financial situation of the Province in the current and ensuing years.

A very important change has been effected by the modification of the terms of the Provincial Settlement which was announced in the Imperial Legislative Council on the 1st March 1911. During the first five years of the current settlement, *i.e.*, from 1st April 1905 to 31st March 1910, the Provincial Balance was reduced from Rs. 79,94,000 to Rs. 27,76,000, or in other words, the Provincial expenditure exceeded the revenue by Rs. 52,18,000 or by a yearly average of Rs. 10,43,600; and in the Budget Estimates for the current year a further deficit of Rs. 9,27,000 was anticipated, which would have reduced the closing balance to Rs. 16,00,000 on the 31st of the current month.

2. During the period in question there have been some abnormal charges. For instance the earthquake of 1905, which wrought such appalling disaster at Dharamsala, has entailed large extra expenditure, and its ravages have not yet been entirely repaired. Again, in 1908-09 the severe scarcity led to heavy charges on grain compensation allowance, coupled with a shrinkage of revenue. Expenditure for the prevention of plague has also been heavier than was anticipated when the settlement was framed. On 1st April 1905 a lump addition of Rs. 21,00,000 was made to the Provincial Balance to meet all future plague charges, whereas the actual expenditure in the six years ending on the 31st March 1911 is now estimated at Rs. 23,14,000.

3. On the other hand, there have been some abnormal receipts; the chief of which is the collection of Rs. 13,91,000 on account of land revenue outstanding on 1st April 1905. Rupees 8,69,000 were added to the Provincial Balance on 1st April 1906 on the abolition of the Patwar fund. It would be profitless to attempt any further detailed examination of the exceptional receipts and charges, as it is clear that the latter would only account for a small fraction of the increase of expenditure. The main causes of this increase are more deep-seated, and are connected with economic and social changes, which have taken place throughout India, and over which the Provincial Government has had practically no control. The economic changes have resulted in a general rise in prices and consequently in heavier charges both for salaries and for the purchase of the various materials required for the public service. The social changes have manifested themselves in irresistible demands for a higher standard of expenditure on special services, such as the police and education.

4. Many of these demands have reached the Local Government in the form of general schemes of reform sanctioned by the Secretary of State, and in such cases the increased expenditure has generally been met by assignments from Imperial funds. The fact that the total of these assignments has risen from Rs. 3,00,000, which was entered as a fixed assignment at the commencement of the Financial Settlement, to Rs. 1,01,70,000 in 1910-11 is a striking indication of the extent to which the obligatory demands on Provincial revenues have increased in the last six years. For the purpose of comparison the special grants, aggregating Rs. 36,15,000 which have been recently sanctioned by the Government of India, should be excluded. But the guaranteed net

irrigation revenue of Rs. 30,75,000 should be included, since it is practically a fixed assignment, as was explained by Mr. MacLagan when presenting the Financial Statement for the current year. After making the above adjustments it will be seen that the fixed assignments in the Revised Estimates for 1910-11 amount to 30 per cent. of the total Provincial receipts.

5. The object of the changes which are to be introduced on the 1st of April next is to give more elasticity to the Provincial finances by providing a larger proportion of growing revenue and making a corresponding reduction in the fixed assignments. These changes are briefly :—(1) to raise the Provincial share of the receipts under the heads I—*Land Revenue* and XXIX—*Irrigation* from $\frac{2}{3}$ ths to $\frac{1}{2}$ and the share under IX—*Forest* from $\frac{1}{2}$ to the whole; (2) to increase the Provincial share of expenditure under 1—*Refunds and Drawbacks*, 2—*Assignments and Compensations*, 11—*Forest* and 42—*Irrigation* in the same proportions; and (3) to reduce the fixed assignments by the net amount of the above increases, calculated on the present standard of revenue and expenditure under the heads affected.

6. The guaranteed net income from Irrigation has at the same time been raised proportionately, i.e., from Rs. 30,75,000 to Rs. 41,00,000. The change under this head will be of no immediate advantage to Provincial revenues, as the interest charges on canals under construction are at present growing more rapidly than the receipts from the open canals, and there is no prospect of the minimum guaranteed revenue being exceeded for some years to come. But the future advantage will be very great and the arrangement gives the Local Government a greater interest in expediting the completion of the canals under construction.

7. The benefit of the change is at once apparent in the Budget Estimates for 1911-12 under the heads *Land Revenue* (including the receipts due to irrigation) and *Forest*, which show a net increase of Rs. 45,48,000 on account of the revision of the Financial Settlement, whereas the reduction made in the fixed assignment by reason of the changes in the Provincial share under these two heads is Rs. 36,04,000 only. This means a net gain of Rs. 9,44,000 to Provincial revenues. The size of this figure is mainly due to the abnormal receipts expected in the current year from sales of land to tenants in the canal colonies.

8. These receipts from land sales have a very important bearing on the financial situation. Strictly speaking they ought not to be classed as revenue at all. In a commercial account they would be credited to capital, especially as the receipt of the purchase money will extinguish the payment of rent or malikana. In the Chunian Colony the present rent amounts only to 4 annas an acre, but in the Chenab Colony, by far the larger and more important of the two, the rent is 9 annas an acre or $4\frac{1}{2}$ per cent. on the purchase price of Rs. 12-8-0. In the latter colony about $1\frac{1}{2}$ million acres of land are held in tenant right. If the whole of this area is purchased by the tenants, Provincial revenues will receive Rs. 93,75,000 as a final payment, but they will lose the present income of Rs. 4,21,875.

9. The eventual loss will be even more than this, as the malikana is liable to enhancement. It has in fact recently been decided to raise it to 12 annas per acre on the greater part of the land held in tenant right in the Chenab Colony. The loss of rent on these holdings will thus amount to 6 per cent. on the purchase price, and from the financial point of view the sale-proceeds may be regarded as capital borrowed at this rate of interest. It is essential to the ultimate financial stability of the Province that the expenditure of this capital should be carefully restrained, and it is especially important that the temporary inflation of the Provincial Balances should not lead to a large increase in recurring expenditure which will be beyond the means of the Local Government when the receipts on capital account begin to

diminish, and the interest charges, or in other words, the loss of income from malikana, begin to make themselves felt.

10. The receipts from these land sales and from irrigation are likely to be the two most important and unsettling items in the resources of the Province for some years to come. They present very opposite features, and their variations will fortunately to some extent counteract each other. As pointed out above, the effect of the land sales is to capitalize future income, or to realise it in advance. The Irrigation Department, on the other hand, is incurring heavy expenditure on new works and meeting the interest charges from current revenue. The new works will not be productive for some years, and meanwhile the net revenue is decreasing, although, thanks to the Imperial guarantee, the Provincial share is stationary. At the same time the Local Government has to meet continual demands for expenditure in the various departments concerned with the development of the colonies.

11. It is calculated by the Irrigation Branch of the Public Works Department that the net revenue from irrigation will not rise above the guaranteed minimum till the year 1916-17: thereafter it is hoped that it will increase at a rapid rate. During this interval, there will certainly be large receipts from land sales in the established colonies, and there will probably be further receipts from sales in the new colonies that are shortly to be opened. The prospects of the Provincial Exchequer are thus brighter than they have been for many years. On the other hand, there are growing demands on our resources some of which have only been staved off hitherto by sheer inability to meet them. The effects of the social and economic changes referred to in paragraph 3 above have as yet only begun to make themselves felt. The Government is bound to respond to the growing need of the people for educational facilities, and it is bound to ameliorate, as soon as may be financially possible, the position of the lower strata of its literate employes. The rise in prices has been felt by rich and poor alike, but it presses with most crushing weight on the poor clerk and the poor schoolmaster. It is recognised that these classes have the first claim to benefit from the improved financial position, and their case is receiving careful consideration.

12. Turning now to the Revised Estimates for the current year and the Budget Estimates for the ensuing year, the following figures give a general outline of the position:—

		1909-10.	1910-11.		1911-12.
		Actuals.	Budget.	Revised.	Budget.
		Rs.	Rs.	Rs.	Rs.
Opening Balance ...	...	14,75	25,27	27,76	62,42
Revenue ...	...	3,52,15	3,52,07	3,89,02	4,07,26
Expenditure ...	...	3,39,14	3,61,34	3,54,36	4,20,10
Closing Balance ...	...	27,76	16,00	62,42	49,58

The actual revenue of 1909-10 fell short of the Revised Estimate by Rs. 59,000, but the actual expenditure was Rs. 3,08,000 below the Revised Estimate, so the current year opened with a balance higher by Rs. 2,49,000 than was anticipated a year ago.

13. The Revised Estimate of revenue in 1910-11 is Rs. 3,89,02,000 or Rs. 36,95,000 in excess of the Budget Estimate. Almost the whole of this

increase is accounted for by the following special grants from Imperial revenues:—

- 10 lakhs towards the memorial to His late Majesty King Edward.
- 10 lakhs for sanitation.
- 9 lakhs for education.
- 7.15 lakhs on account of the Imperial share of the sale-proceeds of sites for shops and residences in towns founded by Government in the canal colonies and on new lines of railway. The proceeds of these sales have been, or will be, expended by the Provincial Government on local purposes or made over to the local bodies concerned, but as the receipts have been taken under the head I—Land Revenue, $\frac{4}{5}$ ths of them have been credited to the Imperial Government. This special assignment thus restores to Provincial revenues funds which were intended to be treated as a Provincial asset.

14. The Revised Estimates of expenditure in 1910-11 show a saving of Rs. 6,98,000 on the Budget Estimates. The principal decreases are under 3—Land Revenue, Rs. 1,89,000; 11—Forest, Rs. 38,000; 19 B—Law and Justice—Jails, Rs. 62,000; 20—Police, Rs. 95,000; 22—Education, Rs. 1,00,000; 24—Medical, Rs. 2,37,000; and 45—Civil Works, Rs. 3,20,000. The details of the changes are explained in the second part of this Memorandum. The net result of the above alterations is that the closing balance for the current year is now estimated at Rs. 62,42,000 in lieu of the sum of Rs. 16,00,000 taken in the Budget Estimates.

15. Two adjustments in the figures are necessary before the Budget Estimates of revenue in 1911-12 are compared with the Revised Estimates for the current year. In the first place, the special grants detailed in paragraph 13 above should be excluded. In the second place, the increase in revenue due to the change in the terms of the Financial Settlement should be discounted in so far as it is counterbalanced by extra expenditure traceable to the same cause. The expenditure answering this description amounts to Rs. 19,78,000. After making these adjustments the net increase of revenue anticipated in the coming year is Rs. 34,61,000. The greater part of this increase is due to sales of land to tenants in the Chenab and Chumian Colonies, the receipts from which in 1911-12 are estimated at Rs. 24,25,000.

16. The receipts under this head are very difficult to estimate. The orders issued in December last bestowed a right of purchase on all tenants who have resided on their holdings for 15 years. As the price has been fixed so much below the market value of the land, and the purchase will carry with it the extinction of payment of malikana, it is expected that the great majority of the tenants will exercise their right to become proprietors, and the estimate, in so far as those tenants are concerned, is a matter of simple arithmetic. The Government has, however, gone further than this, and, in its desire to have a contented body of proprietors permanently settled on the land as soon as possible, has decided to allow other tenants to purchase their holdings, provided they satisfy the local officers that they have established a permanent residence in the colony. The number of tenants who will be able to fulfil this condition and the area of their holdings are both uncertain quantities.

The Government has no desire to press these sales on the tenants. As pointed out above, the transaction is not financially profitable to Government. But it does not wish to withhold proprietary rights from those tenants who desire them and can establish a reasonable claim to them. The local officers anticipate that there will be an eager and general demand to purchase, and the estimate, as compared with their anticipations, is a cautious one.

17. The remaining variations in the Revenue Estimates are explained in the second part of this Memorandum. But the following item may be specially mentioned here. From the 1st April next an annual assignment of Rs. 5,22,000 will be received from Imperial revenues on account of the cost of police employed in municipalities. It has for some time been recognized that the cost of these police might reasonably be met from general revenues, and in 1907 Sir Charles Rivaz relieved the Lahore municipality of such charges. The state of the Provincial finances, however, made it impossible to forego the contributions received from other local bodies. The assignment now given by the Government of India will go mainly to the relief of the local tax-payer. Provincial revenues will only benefit to the extent of (a) the Lahore charges already remitted, and (b) certain medical and educational charges which have hitherto been borne by Government on behalf of municipalities in consideration of the contributions made by those bodies towards the cost of the police.

18. The Budget Estimates of expenditure in 1911-12 show an increase of Rs. 65,74,000 over the Revised Estimates for the current year. As already explained, Rs. 19,78,000 of this is a nominal increase due to the revision of the terms of the Financial Settlement. Rupees 16,50,000 are expected to be spent out of the special grants made by the Government of India, *viz.*, Rs. 5,00,000 on the King Edward Memorial, Rs. 4,00,000 on Education, and Rs. 7,50,000 on Medical and Sanitary projects. Further details of this special expenditure will be given by the Members in charge.

19. Another abnormal item which falls under the head 45—Civil Works is a contribution of Rs. 10,00,000 to the Simla municipality or Rs. 7,50,000 in excess of the amount appearing on this account in the Revised Estimates for 1910-11. When the current Financial Settlement was introduced a sum of Rs. 18,69,000 was added to the Provincial Balance on account of a contribution of Rs. 20,00,000 from Imperial revenues towards the improvement of Simla. This money was to be handed over gradually to the municipality as the works of improvement progressed, and was to be supplemented by a smaller contribution from Provincial funds. In respect of these contributions the Provincial treasury occupies practically the position of a bank holding a large sum at the credit of the municipal committee. The Rs. 10,00,000 provided in the Budget Estimates will wipe off the balance of the Imperial contribution, and a considerable portion of the subvention to which Provincial revenues stand committed.

20. Another exceptional item is the provision of a sum of Rs. 80,000 for Provincial expenditure in connection with the Coronation Darbar of His Majesty the King Emperor.

21. The estimate under 20—Police has been increased by Rs. 5,22,000 on account of municipal police charges. The actual effect of relieving municipalities of these charges will be a reduction in receipts rather than an increase in expenditure; but, as the precise amounts involved have not yet been worked out, it has been decided, for budget purposes, to provide for the change by a lump addition to the police expenditure.

22. If the above special items are excluded, the estimates for next year will still show an increase of Rs. 15,94,000. This increase occurs mainly under the head 45—Civil Works. Rupees 5,00,000 have been provided under this head for a scheme which is under consideration, but has not been finally sanctioned, for building a new Civil Secretariat and accommodating an enlarged Veterinary College on the present Secretariat site. Liberal provision has also been made for ordinary expenditure under the same head. This is the head under which a reduction is most easily effected when the necessity arises, and consequently the progress of Civil Works has suffered most from the financial exigencies of the last few years. In almost all the large departments there is a long list of buildings administratively sanctioned, *i.e.*, of buildings which the administrative authorities have decided to construct as soon as funds are available. Latterly

the annual allotments for new works have not kept pace with the growth of these lists, and in some cases the disproportion is so great that it will necessitate either a fundamental revision of the departmental requirements or a considerable increase in annual expenditure. In these circumstances it has been considered desirable to make a comparatively large allotment for departmental works in the estimates for the coming year.

PART II.

This part of the Memorandum explains the estimates of revenue and expenditure under the various major heads or groups of major heads.

The figures given under major heads in the Revised Financial Statement represent the Provincial share only of the revenue and expenditure under those heads, and it is these Provincial figures that have been examined in the first part of the memorandum. The distribution between Imperial and Provincial is not carried out in the minor heads in the accounts, and the statement of minor heads open to discussion in the Provincial Council, which has now, for the first time, been appended to the Financial Statement, shows, except in the case of 1—*Refunds and Drawbacks*, the gross transactions under each head. In the following paragraphs, therefore, the gross figures are considered.

Income.

I—*Land Revenue* (excluding portion of land revenue transferred to *XXIX—Irrigation*).—Under land revenue proper the Revised Estimate for 1910-11 shows a decrease of Rs. 13,46,000 on the sanctioned budget, due mainly to the fact that the receipts from land sold to capitalist and yeomen grantees in the Chenab Colony were greatly over-estimated and the credits to be afforded to the Irrigation Department were under-estimated. The Budget Estimate for 1911-12 anticipates an increase of Rs. 37,68,000 on the current year's Revised Estimate. The sale-proceeds of Government estates are expected to bring in an increase of Rs. 45,04,000, and ordinary revenue accounts for a further increase of Rs. 5,00,000, due mainly to enhanced assessments. On the other hand, a larger credit of Rs. 10,32,000 is being given to the Irrigation Department for reasons recorded under *XXIX—Irrigation*, and a decrease of Rs. 2,32,000 is expected under *Sale-proceeds of waste lands*, mainly on account of smaller sales of town sites in the canal colonies.

Under the sub-head *Assignments* the Revised Estimate exceeds the Budget Estimate for 1910-11 by Rs. 37,20,000, mainly owing to the special grants detailed in paragraph 13 of Part I of this Memorandum, and to an assignment of Rs. 1,74,000 on account of the Imperial share of expenditure on the Simla improvement scheme.

The Budget Estimate for 1911-12 is much smaller than the Revised Estimate on account of the absence of the special grants for Education, Sanitation and the King Edward Memorial, the reduction of the assignment of the Imperial share of the sale-proceeds of town sites from Rs. 7,15,000 to Rs. 96,000 and the transfer to other growing heads of Rs. 46,58,000 in consequence of the revision of the Financial Settlement. The estimate also provides for a small contribution of Rs. 23,000 from Provincial to Imperial on account of a change in classification of the Public Works section of the Account Office. On the other hand, a recurring assignment has been added to compensate the Provincial Government for the recoveries now made from municipalities towards the cost of their police, which will be waived from the ensuing year. This has for budget purposes been put as Rs. 5,22,000, but the adjustment will be made on actuals.

IV—*Stamps*.—The sanctioned budget for 1910-11 anticipated an increase of Rs. 5,27,000 over the actuals for the previous year, mainly under *Court-fee stamps*, due chiefly to an expected increase in litigation, and partly under *General stamps* as a result of commercial and industrial activity, but the Revised Esti-

mate for 1910-11, which is Rs. 5,18,000 less than the Budget Estimate, shows that the expectations on which the latter was based were too sanguine. The Budget Estimate for 1911-12 provides for a moderate increase of Rs. 2,50,000 over the Revised Estimate for 1910-11 mainly under *Court-fee stamps* which the average rate of increase during the past three years seems to justify.

V—Excise.—The sanctioned budget for 1910-11 provided for an increase of Rs. 8,31,000 over the actuals of 1909-10, mainly under *License and distillery fees and duties for sale of liquors and drugs*, due to anticipated keener bidding at auctions for licenses for sales of Indian spirits on the new rules being better understood, as also to the protection of licensees from illicit distillation or sales by the strengthening of the Excise staff.

The actual bidding was even keener than was expected, and for this reason and also on account of larger sales of excise opium the Revised Estimate shows a further increase of Rs. 4,46,000. The estimate for 1911-12 anticipates an increase of Rs. 2,00,000 over the Revised Estimate, mainly under *Gain on sale-proceeds of excise opium*, due to the enhancement of the issue price of the drug, and under *License fees*, owing to the probability of an increase in the consumption of country spirits resulting from the enhancement of duty on foreign liquors. The estimate may appear too cautious in view of the large increase of revenue in the current year; but there are many uncertain factors, and in particular it has been observed that speculative bidding in one year is often followed by smaller bids in the next, the speculators having found that they cannot make a profit on too large an outlay. It has been decided therefore to adopt a moderate estimate for the coming year.

VIII—Assessed Taxes.—The sanctioned estimate for 1910-11, compared with the accounts for 1909-10, provided for an increase of Rs. 1,22,000, but the progress of the accounts so far shows that this estimate is not likely to be realised, and the Revised Estimate is lower by Rs. 51,000. The estimate for 1911-12 provides for an increase of Rs. 1,12,000 over the Revised Estimate. This is expected to accrue from the general growth of incomes and commercial prosperity.

IX—Forests.—The Revised Estimate for 1910-11 shows an increase of Rs. 42,000 on the sanctioned budget. A reduction of Rs. 50,000 under *Timber removed by Government agency*, due to an over-estimate of the amount of timber to be brought down by floods, is more than counterbalanced by an increase under *Timber removed by purchasers*, due mainly to an advance in prices and to the size of the trees marked for felling having been larger than was anticipated.

In the Budget Estimate for 1911-12 a return to normal conditions is expected under *Timber removed by purchasers*, but under *Produce removed by Government agency* a considerable increase is anticipated, partly from the sale of turpentine manufactured in the new Government factory at Shahdara, and partly from the sale of fuel that will be brought into Murree by the Patriata rope-way.

X—Registration.—The Revised Estimate shows a decrease of Rs. 40,000 on the sanctioned budget for 1910-11. The latter appears to have been an excessive estimate, and in the budget for 1911-12 the Revised Estimate is repeated.

XII—Interest.—The Revised Estimate shows a decrease of Rs. 3,000 on the budget for 1910-11, and the Budget Estimate for next year provides for a further decrease of Rs. 8,000, due to favourable agricultural conditions, which restrict the demand for taccavi.

XVI A—Law and Justice—Courts of Law.—The Revised Estimate for 1910-11 shows an increase of Rs. 35,000 as compared with the sanctioned budget for that year, which is ascribed mainly to larger recoveries of fees, fines and forfeitures. The Budget Estimate for 1911-12 repeats the Revised Estimate.

XVI B—Law and Justice—Jails.—The increase of Rs. 39,000 in the Revised Estimate for 1910-11, as compared with the Budget Estimate for that year, occurs mainly under the head *Jail manufactures*, and is due to recent orders of Government that jail labour should be utilized as far as possible in manufacturing various articles required for Government offices.

XVII—Police.—The Revised Estimate makes no material change in the Budget Estimate for 1910-11.

The Budget Estimate for 1911-12 shows a decrease of Rs. 15,000, mainly from smaller receipts for punitive police, although the recoveries from municipalities will be waived from the 1st April next, the receipts under *Police supplied to municipal, cantonment, and town funds* are still estimated at Rs. 4,13,000 for reasons explained in Part I of the Memorandum.

XIX—Education.—The increase of Rs. 10,000 in the Revised Estimate over the budget for 1910-11 is the result of several minor variations. The further increase of Rs. 17,000 in the Budget Estimate for 1911-12 is due to provision for the provincialisation of the Lawrence Memorial School at Murree.

XX—Medical.—Larger receipts from the sale of vaccine lymph account for the increase of Rs. 8,000 in the Revised Estimate over the Budget Estimate for 1910-11.

XXI—Scientific and other Minor Departments.—The increase of Rs. 8,000 in the Budget Estimate for 1911-12 over the Revised for 1910-11 is due chiefly to receipts from the Agricultural College and the Well Department on account of well-boring operations lately started.

XXIII—Stationery and Printing.—The increase of Rs. 23,000 in the Revised Estimate for 1910-11 as compared with the budget for the same year is anticipated under the head *Cost of printing work* executed for public departments by Jail presses owing to larger demands resulting from the introduction of the new Civil Procedure Code.

XXV—Miscellaneous.—The decrease of Rs. 6,000 in the Revised Estimate for 1910-11 as compared with the sanctioned estimate is the result of several minor variations. The Budget Estimate for 1911-12 provides for a further decrease of Rs. 45,000, mainly under *Sales of lands and houses* on account of the cessation of receipts which are accruing in the current year from sales of nazul land to the North-Western Railway.

XXIX—Irrigation—Major Works.—There have been three changes in assessment, which have caused considerable variations in the figures under the minor heads for the current and ensuing years. In the first place, owner's rate was abolished on the Western Jumna Canal from kharif 1910 and the occupiers' rate and net land revenue were increased. This has the effect of transferring the direct receipts from the Civil to the Public Works Department. Secondly, owner's rate was automatically imposed in the current year in additional circles in the Chenab Colony. Thirdly, with effect from next year owner's rate will be abolished in four circles of the Lower Chenab Canal and merged

in enhanced land revenue rates. The effect of this change will be to transfer these receipts to the minor head "*Portion of land revenue due to irrigation.*" Taking the receipts as a whole, the Revised Estimate shows an increase of Rs. 16,57,000 over the sanctioned budget. The main reasons for this increase are—(1) the fact that the Budget Estimate did not take due account of the automatic extension of the owner's rate in the Chenab Colony; (2) the inclusion for the first time among indirect credits of receipts from the nahri-parta on the Western Jumna Canal; and (3) the addition to the indirect credits of interest on sales of land in the canal colonies.

The Budget Estimate for 1911-12 provides for a further increase of Rs. 8,43,000, mainly on account of the indirect credits expected from (1) interest on larger sales in the canal colonies, and (2) the revision of land revenue assessments.

XXXI—Civil Works.—The Revised Estimate shows a decrease of Rs. 1,66,000 on the sanctioned budget for 1910-11, which is chiefly made up of Rs. 20,220 under the head *Tolls*, due to the abolition of tolls on roads at Dharmpur and of Rs. 1,25,390 under *Recoveries on account of transferred properties*, due to the discontinuance of the contribution recovered from District Boards for certain feeder roads, the maintenance of which has since been transferred to the Boards.

The Budget Estimate for 1911-12 exceeds the Revised Estimate by Rs. 85,000, mainly on account of increased sales of land and houses.

VI—Provincial rates.

XXII—Receipts in aid of superannuation.

XXX—Irrigation—Minor Works.

} —Call for no special remarks.

Expenditure.

1—*Refunds and Drawbacks.*—The only noticeable variation is an increase of Rs. 11,000 in the budget for 1911-12 over the Revised Estimate for the previous year, which is due to the alteration in the Provincial shares of *Refunds of Land Revenue and Forest.*

3—*Land Revenue.*—The Revised Estimate for 1910-11 is Rs. 1,89,000 less than the sanctioned budget due mainly to smaller expenditure on *Survey and Settlement parties* (Rs. 67,000), to the abolition of the Settlement Commissioner's office on the appointment of a second Financial Commissioner, to the provision of Rs. 46,000 which was made for the amelioration of the Provincial Executive Service not being required, and to an over-estimate of the expenditure under *Land Records*. These decreases are partly counterbalanced by an increase of Rs. 11,000 under *Allowances to Frontier Chiefs.*

The budget for 1911-12 shows an increase of Rs. 99,000, due to (1) provision of Rs. 27,000, for a part of the year, for the reorganisation of the Provincial Executive Service, being the moiety chargeable to this head, (2) normal growth of contingent and other charges of Deputy Commissioners (Rs. 10,000), (3) repairs to patwarkhana (Rs. 50,000), and (4) to the provision of a sum of Rs. 50,000 for the preparation of records-of-rights in the Gujrat and Lahore districts, partly counterbalanced by a saving of Rs. 38,000, resulting from the abolition of the Settlement Commissioner's Office.

6—*Stamps.*—The Revised Estimate shows a decrease of Rs. 26,000 on the sanctioned estimate, mainly under charges for the sale of general and

court-fee stamps. The Budget Estimate for 1911-12 anticipates small increases on the Revised under several minor heads, aggregating Rs. 11,000.

7—*Excise*.—The increase of Rs. 14,000 in the Revised Estimate as compared with the budget for 1910-11 is chiefly due to an over-estimate of savings under *Salaries of district establishments* and to the absence of provision in the budget for travelling allowance under that head.

11—*Forests*.—The Revised Estimate for 1910-11 shows a decrease of Rs. 77,000 on the sanctioned budget. The decrease occurs mainly under *Communications and Buildings*, due to the postponement of sanctioned works. There are also some savings anticipated under *Salaries and Contingencies*.

The Budget Estimate for 1911-12 provides for a further decrease of Rs. 10,000. Increased charges for salaries on account of an improved scale of pay for Provincial Service officers and for some of the postponed roads and buildings are more than counterbalanced by a reduction in the expenditure on the Patriata ropeway and on roads in the Bashahr State.

13—*Interest*.—The Revised Estimate for 1910-11 compared with the sanctioned budget provides for a decrease of Rs. 13,000, due to a smaller need for advances to agriculturalists. A further decrease of Rs. 11,000 in the Budget Estimate for 1911-12 is attributable to the same cause. The decrease of charges under this head is an indication of improved agricultural conditions.

18—*General Administration*.—The net increase of Rs. 5,000 in the Revised Estimate over the sanctioned budget is the result of several variations. Extra expenditure was caused by the entertainment of His Imperial Highness the Crown Prince of Germany, but this has been made good by an Imperial assignment through the Land Revenue head. The increase of Rs. 38,000 on account of the Financial Commissioners' establishment is due mainly to the appointment of a second Financial Commissioner from 20th October 1910. On the other hand, savings are expected in the Secretariat owing to the appointment of a Financial Secretary later than was expected. There is also a saving of Rs. 24,000 under Commissioners' establishments, due to several minor causes. The Budget Estimate for 1911-12 provides for an increase of Rs. 97,000 over the Revised Estimate. A reduction of expenditure will accrue from the abolition of the appointment of Excise Commissioner. On the other hand, a full year's provision has been made for the appointments of second Financial Commissioner and Financial Secretary, Rs. 8,000 has been provided for a temporary increase of the Accountant-General's local audit establishment, and a special provision of Rs. 80,000 has been made for Provincial expenditure in connection with His Majesty's Coronation Darbar.

19A—*Law and Justice—Courts of Law*.—Compared with the Budget Estimate for 1910-11 the Revised Estimate shows an increase of Rs. 39,000, which is chiefly due to the retention of a sixth Judge in the Chief Court for the whole year instead of for 5 months as anticipated in the budget, and to larger fees being paid to public prosecutors. The increase would have been larger but for savings expected under Civil, Sessions and Criminal Courts. The budget for 1911-12 indicates an increase of Rs. 80,000, due partly to provision for (1) a seventh Judge in the Chief Court with the usual establishment for 5 months; (2) a scheme for the appointment of District and Sessions Judges, which is expected to come into force in the course of next year; (3) the re-organization of the Provincial Executive Service the salary of which is shared equally between 3—*Land Revenue* and this head, and (4) partly to the leave arrangements of the Legal Remembrancer.

19 *B—Law and Justice—Jails.*—The Revised Estimate for 1910-11 compared with the sanctioned budget indicates a decrease of Rs. 62,000, chiefly because the reorganization of the subordinate executive staff of jails was introduced later than was expected. The budget for 1911-12 provides for an increase of Rs. 60,000 over the Revised Estimate, due mainly to the provision for the reorganized jail subordinate staff having been made for the full year and to expected larger purchases of raw material for jail manufactures.

20—*Police.*—The Revised Estimate for 1910-11 indicates a decrease of Rs. 95,000 on the sanctioned budget, chiefly due to an under-estimate in the latter of probable savings from the District and Municipal Police not being recruited up to full strength. Savings are also expected in the provision for Railway Police. The Budget for 1911-12 provides for an increase of Rs. 6,27,000 on the Revised Estimate, of which Rs. 5,22,000 are accounted for by the lump provision made for the transfer of the cost of municipal police, and the balance of Rs. 1,05,000 is mainly due to expected larger recruitment and to the extension of railways. No special provision has been made for the police arrangements in connection with the Coronation Darbar at Delhi as the cost will be borne by the Government of India.

22—*Education.*—The Revised Estimate shows a reduction of Rs. 1,00,000 on the sanctioned budget. The main decrease is Rs. 60,000 under *Government Schools, Special*, where the charges for stipends and allowances to substitutes of teachers in training were over-estimated. A saving of Rs. 15,000 is expected under *Inspection*, partly due to leave arrangements and partly under travelling allowances. The balance is made up of minor decreases under various heads. The Budget Estimate provides for an increase of Rs. 4,10,000 over the Revised Estimate, although a grant-in-aid of Rs. 25,000 hitherto made to the Lawrence Memorial Asylum has been omitted, as it is proposed to provincialize this institution. Rupees 4,00,000 have been provided from the special grant made by the Government of India, and the objects on which it is proposed to expend it will be made known by the Member in charge of Education.

24—*Medical.*—The Revised Estimate shows a decrease of Rs. 2,37,000 on the Budget Estimate for 1910-11. This is mainly due to smaller expenditure than was anticipated from the recurring grant of Rs. 4,00,000 made by the Government of India for the improvement of sanitation, to smaller outlay on plague preventive measures, and to savings under salaries on account of officers on lower rates of salaries having been attached to the Province than were provided for.

The Budget for 1911-12 provides for an increase of Rs. 8,47,000 over the Revised Estimate for the previous year, chiefly owing to: (1) an initial grant of 5 lakhs by the Government of India to the Central Research Institute, Kasauli, for the promotion of research; (2) a provision of 2½ lakhs for urban sanitary measures from a non-recurring assignment of 5 lakhs made by the Government of India; and (3) an increase (Rs. 54,000) in the expenditure financed from the recurring grant for sanitary purposes made by the Imperial Government.

26—*Scientific and other Minor Departments.*—The total of the Revised Estimate shows little variation from the sanctioned budget. Extra expenditure on account of co-operative credit societies and a grant of Rs. 20,000 for the encouragement of industries are counterbalanced by savings under Agriculture, due mainly to smaller expenditure on arboricultural experiments and under *Veterinary and Stallion charges*.

The Budget for 1911-12 provides for an increase of Rs. 69,000, mainly under *Agriculture* (Rs. 60,000) and *Veterinary* (Rs. 20,000) owing to the development of these Departments, partly counterbalanced by small decreases under other minor heads.

29—*Superannuation.*—The Revised Estimate for 1910-11 shows an increase of Rs. 49,000 on the sanctioned budget, while the estimate for 1911-12 provides for a further increase of Rs. 65,000. These steady increases are due to the ever-growing list of pensions, the longevity of pensioners, and partly to the payment at Government treasuries of local fund pensions capitalized.

30—*Stationery and Printing.*—The Revised Estimate for 1910-11 shows an increase of Rs. 19,000 on the sanctioned budget, since the savings under *Lithography, Printing at Private Presses, and Stationery purchased in the country* will probably be exceeded by increased expenditure on *Government Presses and Stationery supplied from Central Stores*. The Budget Estimate for 1911-12 shows a reduction on the Revised Estimate of Rs. 36,000, chiefly on account of restrictions in the supply of stationery from Central Stores. There is probably room for more economy under this head, and the subject is under consideration.

32—*Miscellaneous.*—The increase of Rs. 16,000 in the Revised Estimate over the Budget for 1910-11 is mainly due to *Irrecoverable temporary loans written off*, chiefly in the Hissar district. The decrease of Rs. 10,000 in the Budget Estimate for 1911-12 as compared with the Revised is due to an expected reduction under the same minor head.

42—*Irrigation—Major Works.*—The Revised Estimate for 1910-11 compared with the sanctioned estimate provides for an increase of Rs. 5,86,000; due (1) to larger amounts being required for checking, silting and strengthening the banks all along the Lower Chenab Canal in order to prevent breaches and the cutting of banks which have been rather frequent of recent years; (2) to extensive repairs to the Indus Inundation Canals rendered necessary by the heavy floods of last year and by hill torrents in the present year; (3) to extra provision for raising shutters at the Rasul Weir and for larger outlay on the maintenance of Head Works on the Lower Jhelum Canal.

The Budget for 1911-12 indicates only a small decrease of Rs. 13,000 on the Revised Estimate for 1910-11, although the working expenses are expected to be reduced by Rs. 4,71,000 on account of the absence of the special items detailed above. These savings will be almost entirely absorbed by the increase in Interest charges which are calculated on the capital expended on the Major Canals.

43—*Irrigation—Minor Works and Navigation.*—The Revised Estimate for 1910-11 is higher by Rs. 19,000 than the sanctioned estimate, mainly on account of (1) larger grants-in-aid for irrigation works, (2) special surveys of the Baniwa and Kahan torrents (Rs. 10,500); and (3) the removal of silt from the Shahpur Inundation Canals. The Budget Estimate for 1911-12 provides for Rs. 27,000 more than the Revised Estimate, due to the provision of Rs. 30,000 for the Namal Irrigation Project and of Rs. 16,000 for the reclamation works to be undertaken on the Maili Cho in the Hoshiarpur district, partly counter-balanced by a decrease anticipated in the charges for Gurgaon Bunds and for special surveys.

45—*Civil Works.*—Compared with the sanctioned Budget for 1910-11 the Revised Estimate shows a decrease of Rs. 3,20,000, mainly under works in charge of Departmental Officers. The chief lapse is one of Rs. 2,50,000 in the provision made for the Simla improvement scheme. Also the provision of Rs. 1,00,000 made for special expenditure at Dera Ghazi Khan is not expected to be fully utilized. On the other hand, an extra grant of Rs. 1,00,000 has been made to District Boards for the maintenance of feeder roads.

The Budget Estimate for 1911-12 provides for an increase of Rs. 22,73,000 on the Revised Estimate. Out of this amount Rs. 7,50,000 are accounted for by an increased grant towards the Simla Extension Scheme. It may be noted

that this grant is shown under the works in charge of Civil Officers in 1911-12, as it has been decided that the grant will in future be paid in cash to the municipality and treated as a contribution in the Government accounts. Rupees 5,00,000 are provided for expenditure out of the Imperial assignment for the King Edward Memorial, and a further sum of Rs. 5,00,000 has been provided for commencing the construction of a new Secretariat and the extension of the Veterinary College. The balance of the increase over the Revised Estimate is mainly due to anticipated larger outlay on works in colony towns and on departmental buildings.

2—Assignments and Compensations.	} —Call for no special remarks.
10—Assessed Taxes.	
12—Registration.	
36—Reduction or Avoidance of Debt.	

Balances.—The sanctioned estimates for the current year were expected to close with a balance of Rs. 16,00,000 or Rs. 6,00,000 in excess of the minimum of Rs. 10,00,000 prescribed by the Government of India. This excess included Rs. 3,56,000 on account of the unutilized portion of the grant of Rs. 20,00,000, which was given by the Government of India in 1904-05 for the improvement of Simla. So the balance actually available for expenditure was estimated at Rs. 2,44,000 only. Owing to an improvement of Rs. 2,49,000 in the opening balance and Rs. 36,95,000 in the revenue, and to a reduction of Rs. 6,98,000 in the expenditure, the Revised Estimate now anticipates a closing balance of Rs. 62,42,000, out of which Rs. 36,15,000 are earmarked for special purposes. The closing balance on 31st March 1912 is estimated at Rs. 49,58,000, out of which Rs. 13,46,000 will be earmarked for special expenditure on Education, Sanitation, the King Edward Memorial, and local purposes in colony towns. The coming year is thus expected to close with a reserve of Rs. 26,12,000 in excess of the minimum balance, mainly owing to sales of land in the canal colonies.

APPENDIX III.

Revised Financial Statement, 1911-12.

NOTE.—The Revised Financial Statement differs in the following respects from the draft statement supplied to Members on the 9th March 1911:—

Revised, 1910-11—Expenditure.—The grant under “45—Civil Works” raised by 1 lakh on account of an additional grant to District Boards for feeder roads, and the closing balance reduced by the same amount.

Budget, 1911-12.—(1) *I—Land Revenue* increased by 5 lakhs on account of sale-proceeds of Government land and reduced by 4.19 lakhs transferred to *XXIX—Irrigation—Major Works—“Indirect Revenue,”* (2) *XXIX—Irrigation—Direct receipts* reduced by 66, and Imperial assignment correspondingly raised in order to bring the net guaranteed minimum up to 41 lakhs. Expenditure estimates under (1) *26—Scientific and other Minor Departments* raised by 43 thousand on account of Minto Park (20), for well boring (23), and (2) *45—Civil Works—“In charge of Public Works officers”* raised by 7 lakhs to provide for the new Civil Secretariat and Veterinary College buildings (5 lakhs), and increased allotments for *Departmental Major and Minor Works* (2 lakhs).

The net result of these modifications is the reduction of the estimated closing balance on 31st March 1912 from 53.01 lakhs to 49.58 lakhs.

REVISED FINANCIAL STATEMENT SHOWING FIGURES UNDER MAJOR HEADS FOR THE YEARS 1909-10 TO 1911-12 (OMITTING THOUSANDS).

As approved by the Government of India up to 10th March 1911:

Budget heads.		Actuals, 1909-10.	Sanctioned Budget Estimate, 1910-11.	Revised Estimate, 1910-11.	Budget Estimate, 1911-12.
Opening balance		Rs. 14,75	Rs. 25,27	Rs. 27,76	Rs. 6,42
<i>Provincial Revenue and Receipts.</i>					
I—Land Revenue { Proper	...	1,06,46	1,05,15	1,00,10	1,52,21
IV—Stamps	...	60,41	55,43	98,63	20,07
V—Excise	...	21,46	27,09	24,59	21,75
VI—Provincial Rates	...	21,62	25,77	28,05	29,00
VII—Assessed Taxes	...	33	25	24	25
VIII—Forest	...	7,29	7,90	7,65	8,21
IX—Registration	...	5,16	5,82	6,03	12,26
X—Interest	...	3,22	3,44	3,04	3,04
XI—Law and Justice—Courts of Law	...	3,55	3,01	2,98	2,90
XVII—Law and Justice—Courts of Law	...	4,60	3,90	4,25	4,25
XVIII—Law and Justice—Jails	...	2,51	2,16	2,02	2,04
XIX—Police	...	4,39	4,56	5,76	5,81
XX—Medical	...	4,68	3,60	3,76	3,84
XXI—Education	...	46	39	45	46
XXII—Scientific and other Minor Departments	...	1,09	1,13	1,12	1,20
XXIII—Receipts in aid of superannuation	...	87	72	65	65
XXIV—Stationery and Printing	...	1,40	98	1,21	1,21
XXV—Miscellaneous	...	9,42	7,89	7,83	7,38
XXIX—Irrigation—Major Works.	...	17,06	15,41	17,87	24,43
XXX—Irrigation—Minor Works and Navigation.	...	67,12	62,25	69,00	95,61
XXXI—Civil Works	...	1	7	10	11
Total, Provincial Revenue and Receipts					
Total, Provincial Revenue and Receipts		Rs. 352,15	Rs. 352,07	Rs. 359,02	Rs. 4,07,46
Grand Total, including Opening Balance		Rs. 3,66,90	Rs. 3,77,34	Rs. 4,16,78	Rs. 4,59,68
Provincial expenditure.					
1—Refunds and Drawbacks	...	69	68	69	80
2—Assignments and Compensations	...	33	33	33	39
3—Land Revenue	...	49,35	49,35	47,46	48,45
7—Stamps	...	86	86	80	85
7—Excise	...	39	32	39	39
10—Assessed Taxes	...	5	5	5	5
11—Forest	...	3,34	4,28	3,90	7,69
12—Registration	...	1,17	1,20	1,17	1,20
13—Interest on Ordinary Debt	...	2,49	2,30	2,17	2,06
18—General Administration	...	10,52	11,16	11,21	12,18
19 A—Law and Justice—Courts of Law	...	3,07	3,09	4,07	4,17
19 B—Law and Justice—Jails	...	11,66	11,37	10,75	11,35
20—Police	...	53,51	57,03	56,06	62,35
22—Education	...	23,01	23,72	23,72	26,81
21—Medical	...	1,82	1,76	1,59	2,07
23—Scientific and other Minor Departments	...	7,02	7,08	7,57	7,76
24—Stationery and Printing	...	3,73	3,18	3,18	18,34
30—Stationery and Printing	...	3,13	3,16	3,26	7,31
32—Miscellaneous	...	1,40	1,40	1,40	3,16
36—Reduction or Avoidance of Debt	...	17,87	15,33	19,42	28,14
42—Irrigation—Major Works.	...	28,21	25,78	27,90	34,88
43—Minor Works and Navigation.	...	13	34	38	50
45—Civil Works	...	56	50	65	80
Total expenditure Closing balance		Rs. 359,14	Rs. 361,31	Rs. 354,36	Rs. 4,20,10
Grand Total		Rs. 3,66,90	Rs. 3,77,34	Rs. 4,16,78	Rs. 4,59,68

STATEMENT No. 1.

Supplementary statement showing the accounts and estimates (omitting thousands) under the Minor Heads open to discussion in the Provincial Legislative Council.

REVENUE AND RECEIPTS BY MAJOR AND MINOR HEADS.	Actuals, 1909-10.	Budget, 1910-11.	Revised, 1910-11.	Budget, 1911-12.	REMARKS.
1	2	3	4	5	6
<i>I—Land Revenue—</i>	Rs.	Rs.	Rs.	Rs.	
Ordinary revenue	2,83,76	2,75,00	2,76,00	2,81,00	
Sale of Government estates	11,05	15,39	7,66	53,00	
Sale-proceeds of waste lands, &c.	7,68	4,79	5,02	2,70	
Assessment of alienated lands less quit-rents—service commutation*.	2,26	2,22	2,18	2,12	
Rents, &c., of fisheries	8	8	8	8	
Miscellaneous	8,14	7,40	7,76	8,10	
Total	3,13,87	3,04,90	2,99,00	3,47,00	
<i>Deduct—Land Revenue due to Irrigation</i>	<i>30,51</i>	<i>24,50</i>	<i>32,06</i>	<i>42,38</i>	
Net total shared	2,83,36	2,80,40	2,66,94	3,04,62	
<i>Deduct—Imperial share less assignments to Provincial</i> <i>Provincial share plus assignments*</i>	<i>1,16,69</i> <i>1,66,67</i>	<i>1,15,82</i> <i>1,64,58</i>	<i>70,21</i> <i>1,56,73</i>	<i>1,32,24</i> <i>1,72,38</i>	*See Appendix A.
<i>V—Excise—</i>					
License and distillery fees and duties for sale of liquors and drugs.	39,68	47,53	51,25	52,88	
Acreage on land cultivated with poppy	15	9	9	10	
Transit duty on excise opium	28	35	60	30	
Gain on sale-proceeds of excise opium	3,00	3,53	4,00	4,70	
Fines, confiscations and miscellaneous	12	2	3	2	
Total	43,23	51,54	56,00	58,00	
<i>Deduct—Imperial share</i>	<i>21,61</i>	<i>25,77</i>	<i>28,00</i>	<i>29,00</i>	
Provincial share	21,61	25,77	28,00	29,00	
<i>IX—Forest—</i>					
I—Timber and other produce removed from forests by Government agency.	2,16	3,09	2,59	3,80	
II—Timber and other produce removed from forests by consumers or purchasers.	7,17	7,44	8,40	7,48	
III—Confiscated drift and walf wood	25	34	28	21	
IV—Revenue from forests not managed by Govern- ment.	2	2	2	2	
V—Miscellaneous	78	75	77	75	
Total	16,33	11,64	12,06	12,26	
<i>Deduct—Imperial share</i>	<i>5,17</i>	<i>5,82</i>	<i>6,03</i>	<i>...</i>	
Provincial share	5,16	5,82	6,03	12,26	
<i>X—Registration—</i>					
Fees for registering documents	2,39	2,59	2,25	2,25	
Fees for copies of registered documents	64	66	60	60	
Miscellaneous	19	19	19	19	
Total	3,22	3,44	3,04	3,04	
INTEREST.					
<i>XII—Interest—</i>					
Interest on loans to municipal and other public corpora- tions (except Presidency corporations).	1,68	1,55	1,55	1,45	
Interest on loans to land-holders	11	...	6	6	
Interest on advances to cultivators	1,69	1,38	1,29	1,31	
Interest on special loans and advances	5	5	5	5	
Interest on advances to co-operative credit societies	2	3	3	3	
Total	3,55	3,01	2,98	2,90	

*Supplementary statement showing the accounts and estimates (omitting thousands) under the Mi
Heds open to discussion in the Provincial Legislative Council—continued.*

REVENUE AND RECEIPTS BY MAJOR AND MINOR HEADS.	Actuals, 1909-10.	Budget, 1910-11.	Revised, 1910-11.	Budget, 1911-12.	REMARKS
1	2	3	4	5	6
Rs.	Rs.	Rs.	Rs.	Rs.	
RECEIPTS BY CIVIL DEPARTMENTS.					
<i>XVI B—Law and Justice—Jails—</i>					
Jails	20	25	40	41	
Jail manufactures	2,25	1,86	2,20	2,20	
Total ...	2,54	2,21	2,60	2,61	
<i>XVII—Police—</i>					
Police supplied to municipal, cantonment and town funds.	4,15	4,19	4,15	4,13	
Recoveries on account of village police ... ..	...	...	...	...
Police supplied to public departments, private companies and persons.	47	51	55	42	
Cash receipts under the Arms Act ... ..	...	...	...	...
Fees, fines and forfeitures	87	87	87	87	
Superannuation receipts	1	1	1	1	
Miscellaneous	19	18	18	18	
Total ...	5,69	5,76	5,76	5,61	
<i>XIX—Education—</i>					
Fees, Government College, General	26	31	46	45	
Fees, Schools, General	2,10	2,14	2,27	2,43	
" Special	8	5	9	9	
Contributions	47	44	44	44	
Miscellaneous	1,58	64	44	46	
Total ...	4,68	3,60	3,70	3,87	
<i>XX—Medical—</i>					
Medical School and College fees	13	13	15	15	
Lunatic Asylum receipts	7	7	9	9	
Medicines sold by Civil Surgeons	3	2	1	1	
Contributions	2	2	2	2	
Miscellaneous	21	14	19	19	
Total ...	46	33	46	46	
<i>XXI—Scientific and other Minor Departments—</i>					
Botanical and other public garden receipts	24	25	26	26	
Veterinary and stallion receipts	16	17	15	17	
Agriculture receipts including receipts on account of experimental cultivation.	37	36	35	44	
Receipts on account of public exhibitions and fairs	31	33	33	32	
Examination fees	1	1	2	1	
Miscellaneous ... ..	...	1	2	...	
Total ...	1,00	1,13	1,12	1,20	
MISCELLANEOUS.					
<i>XXII—Receipts in aid of superannuation, retired and compassionate allowances—</i>					
Contributions for pensions and gratuities	87	72	65	65	

Supplementary statement showing the accounts and estimates (omitting thousands) under the Minor Heads open to discussion in the Provincial Legislative Council—continued.

REVENUE AND RECEIPTS BY MAJOR AND MINOR HEADS.	Actuals, 1909-10.	Budget, 1910-11.	Revised, 1910-11.	Budget, 1911-12.	REMARKS.
1	2	3	4	5	6
MISCELLANEOUS— <i>concl.</i>	Rs.	Rs.	Rs.	Rs.	
XXIII—Stationery and Printing—					
Stationery receipts ...	...	...	...	...
Sale of gazettes and other publications ...	4	3	4	4	
Other press receipts ...	1,36	95	1,17	1,17	
Total ...	1,40	98	1,21	1,21	
XXV—Miscellaneous—					
Unclaimed deposits ...	1,40	60	60	60	
Sale-proceeds of Darbar presents ...	...	...	...	...
Sale of old stores and materials ...	5	5	4	4	
Sale of lands and houses ...	1,50	59	93	19	
Fees for Government audit ...	5	9	11	10	
Contributions ...	4,15	4,20	3,87	3,96	
Rents ...	4	5	3	4	
Miscellaneous fees, fines and forfeitures ...	17	16	19	16	
Miscellaneous ...	2,06	2,15	2,06	2,29	
Total ...	9,42	7,89	7,83	7,38	
IRRIGATION.					
XXIX—Irrigation—Major Works—					
Direct receipts { In charge of Civil Officers ...	14,98	16,59	15,69	6,48	
{ In charge of P. W. D. Officers ...	1,78,99	1,74,00	1,84,00	1,91,53	
Portion of Land Revenue due to Irrigation ...	30,51	24,50	31,06	42,98	
Total ...	2,24,48	2,15,09	2,31,06	2,40,99	
Deduct—Imperial share ...	1,40,30	1,34,43	1,44,79	1,70,05	
Provincial share ...	84,18	80,66	86,27	1,20,94	
XXX—Irrigation—Minor Works and Navigation—					
In charge of Civil Officers ...	1	7	10	11	
In charge of Public Works Department Officers ...	51	50	55	45	
Total ...	52	57	65	56	
BUILDINGS AND ROADS.					
XXXI—Civil Works—					
In charge of Civil Officers ...	3,60	5,16	3,50	4,35	
In charge of Public Works Department Officers ...	1,34	1,25	1,25	1,25	
Total ...	4,94	6,41	4,75	5,60	

Supplementary statement showing the accounts and estimates (omitting thousands) under the Minor Heads open to discussion in the Provincial Legislative Council—continued.

EXPENDITURE BY MAJOR AND MINOR HEADS.	Actuals, 1909-10.	Budget, 1910-11.	Revised, 1910-11.	Budget, 1911-12.	REMARKS.
1	2	3	4	5	6
DIRECT DEMANDS ON THE REVENUE.	Rs.	Rs.	Rs.	Rs.	
1—Refunds and Drawbacks—					
Revenue refunds—Provincial	60	68	69	80	
3—Land Revenue—					
Charges of district administration	21,53	21,66	21,41	21,86	
Survey and settlement	10,11	10,42	9,75	9,88	
Land records	16,19	16,90	16,09	16,50	
Allowances to district and village officers	3	7	18	12	
Total	47,86	49,35	47,46	46,45	
6—Stamps—					
Superintendence	10	22	19	21	
Charges for the sale of general stamps	63	75	62	65	
Charges on sale of court-fee stamps	24	27	23	25	
Discount on plain paper	8	9	9	0	
Stamp paper supplied from Central Stores	58	52	46	50	
Total	1,72	1,85	1,60	1,70	
Deduct—Imperial share	86	92	79	85	
Provincial share	86	93	80	85	
7—Excise—					
District executive establishments	74	1,47	1,46	1,62	
Distilleries	4	17	32	16	
Total	78	1,64	1,78	1,78	
Deduct—Imperial share	30	82	89	89	
Provincial share	39	82	89	89	
10—Assessed taxes—					
Collection of income tax	11	11	11	11	
Deduct—Imperial share	6	6	6	6	
Provincial share	5	5	5	5	
11—Forest—					
A.—Conservancy and Works—					
I—Timber and other produce removed from forests by Government agency.	56	90	98	97	
II—Timber and other produce removed from forests by consumers or purchasers.	6	7	8	9	
III—Confiscated drift and waif wood	9	8	9	6	
V—Rent of leased forests and payments to shareholders in forests managed by Government.	41	42	42	44	
VI—Live and dead stores	14	10	0	11	
VII—Communications and buildings	86	1,68	1,08	77	
VIII—Demarcation, improvement and extension of forests.	51	75	68	59	
IX—Miscellaneous	7	8	9	8	

Supplementary statement showing the accounts and estimates (omitting thousands) under the Minor Heads open to discussion in the Provincial Legislative Council—continued.

EXPENDITURE BY MAJOR AND MINOR HEADS.	Actuals, 1909-10.	Budget, 1910-11.	Revised, 1910-11.	Budget, 1911-12.	REMARKS.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
DIRECT DEMANDS ON THE REVENUE—concl'd.					
I—Forest—concl'd.—					
B.—Establishment—					
I—Salaries	297	335	324	332	
II—Allowances	61	69	66	67	
III—Contingencies	40	41	38	39	
Total	6,68	8,56	7,79	7,69	
Deduct—Imperial share	3,34	4,28	3,89	...	
Provincial share	3,34	4,28	3,90	7,69	
—Registration—					
District charges	1,17	1,20	1,16	1,20	
—General Administration—					
Salary of the Lieutenant-Governor	96	96	96	96	
Staff and household expenses of the Lieutenant-Governor	54	47	65	47	
Expenditure from contract allowance	57	55	58	135	
Tour expenses	5	8	6	9	
Legislative Council ... ..	...	10	10	10	
Civil Secretariats	2,61	2,78	2,70	2,72	
Financial Commissioners, &c.	1,70	1,82	2,20	2,51	
Commissioners	2,66	3,05	2,81	3,66	
Civil offices of account and audit	72	75	74	92	
Inspector-General of Stamp, Excise and Registration	62	60	41	...	
Total	10,52	11,16	11,21	12,18	
A—Law and Justice—Courts of Law—					
Chief Court	4,16	3,80	4,23	4,47	
Law Officers	1,81	1,84	2,14	2,16	
Civil and Sessions Courts	15,16	17,18	17,04	16,96	
Courts of Small Causes	46	48	48	50	
Criminal Courts	15,09	16,12	15,96	16,61	
Refunds	49	46	52	53	
Total	38,07	39,98	40,37	41,17	
B—Law and Justice—Jails—					
Jails	10,43	10,58	10,05	10,57	
Jail Manufacture	63	79	70	78	
Total	11,06	11,37	10,75	11,35	

Supplementary statement showing the accounts and estimates (omitting thousands) under the Minor Heads open to discussion in the Provincial Legislative Council—continued.

EXPENDITURE BY MAJOR AND MINOR HEADS	Actuals, 1909-10.	Budget, 1910-11.	Revised, 1910-11.	Budget, 1911-12.	REMARKS.
1	2	3	4	5	6
SALARIES, &c., OF CIVIL DEPARTMENTS— <i>concl'd.</i>	Rs.	Rs.	Rs.	Rs.	
20—Police—					
Superintendence	2,02	1,82	1,81	1,86	
District executive force	42,09	48 74	44,58	47 87	
Municipal police	3,11	1,55	2 04	1,60	
Special police	1,55	1,55	1,55	4,17	
Railway police	3,57	4,10	3,88	1,31	
Criminal Investigation Department	96	1,01	1 12	24	
Cattle-pounds	14	22	15	7	
Miscellaneous	6	8	7	2	
Refunds	1	1	1	1	
Lump provision ... ..	...	...	...	5,32	
Lump deduction for probable savings	...	5'	...	...
Total	53,51	57,03	56,08	62,35	
22—Education—					
University	87	87	57	57	
Direction... ..	82	82	79	82	
Inspection	2,42	2,57	2,42	2,56	
Government Colleges, General	1,87	1,79	1,73	1,86	
Government Schools, General	9,42	9,59	9,75	9,88	
Government Schools, Special	2,60	3,70	2,60	2,61	
Grants-in-aid	3,81	4,15	4,11	(a) 7,80	(a) Includes provision of lakhs against a special assignment of Rs. 10 lakhs made by Government of India for objects yet announced.
Scholarships	67	75	73	75	
Miscellaneous	13	28	22	27	
Total	22,61	23,72	22,72	26,82	
24—Medical—					
Medical establishment	4,45	4 51	4,39	4,39	
Hospitals and dispensaries	1,50	1,62	1 67	1,51	
Sanitation and vaccination	1,07	4,59	3 01	(b) 11,00	(b) Includes provision of lakhs against a special assignment of Rs. 10 lakhs made by Government of India for objects yet announced.
Grants for medical purposes	2,81	4,40	3,73	3,73	
Medical School and College	1,83	2,01	1,93	1,95	
Lunatic Asylums	47	30	29	30	
Special hospitals	18	30	20	18	
Chemical Examiner	6	6	6	6	
Total	13,33	17,67	15,30	23,77	
26—Scientific and other Minor Departments—					
Provincial Museums	16	14	11	11	
Agriculture	2,14	2,51	2,28	2,88	
Public exhibition and fairs	87	3	3	3	
Veterinary and stallion charges	2,52	2,73	2,53	2,73	
Botanical and other public gardens	59	1,03	1,04	95	
Inspector of Factories	4	6	5	5	
Gazetteer and statistical memoirs	9	5	11	5	
Registration of railway traffic	9	8	7	8	
Provincial statistics	2	1	2	1	
Registrar of Co-operative Credit Societies	40	39	48	55	
Examination	1	1	1	1	
Refunds ... ..	...	1	...	...
Miscellaneous	9	3	34	28	
Total	7,02	7,08	7 07	7,76	
MISCELLANEOUS CIVIL CHARGES.					
29—Superannuation Allowances and Pensions—					
Superannuation and retired allowances	16,08	16,50	16,96	17,61	
Compassionate allowances	30	30	31	26	
Gratuities	28	24	24	25	
Pensions for distinguished and meritorious services	6	6	8	9	
Refunds	1	...	...	...
Total	16,73	17,10	17,59	18,24	

Supplementary statement showing the accounts and estimates (omitting thousands) under the Minor Heads open to discussion in the Provincial Legislative Council—concluded.

EXPENDITURE BY MAJOR AND MINOR HEADS.	Actuals, 1909-10.	Budget, 1910-11.	Revised, 1910-11.	Budget, 1911-12.	REMARKS.
I	2	3	4	5	6
Rs.	Rs.	Rs.	Rs.	Rs.	
MISCELLANEOUS CIVIL CHARGES—concl'd.					
30—Stationery and Printing—					
Stationery purchased in the country ...	1,02	1 74	1,60	164	
Government Presses ..	2 22	2 26	2,13	2,37	
Printing at private presses ...	58	60	57	65	
Lithography ...	52	70	46	55	
Stationery supplied from Central Stores ...	2,29	2,09	2,52	2,10	
Total ...	7,53	7,48	7,67	7,71	
32—Miscellaneous—					
Travelling allowances to officers attending examinations	1	1	1	1	
Rewards for proficiency in Oriental Languages and allowance to Language Examination Committees ...	11	11	16	16	
Donations for charitable purposes ...	3	3	4	4	
Charges on account of European vagrants ...	4	4	4	4	
Rewards for destruction of wild animals ...	6	5	7	7	
Petty establishment ...	2,29	2,44	2,22	2,31	
Special Commission of Enquiry ...	...	...	1	...	
Irrecoverable temporary loans written off ...	...	...	10	1	
Miscellaneous charges for treatment of patients at Pasteur Institute.	4	...	6	5	
Contributions ...	24	10	13	13	
Miscellaneous and unforeseen charges ...	26	29	31	20	
Miscellaneous refunds ...	5	3	5	5	
Total ...	3,13	3,10	3,26	3,16	
36—Reduction or Avoidance of Debt ...					
	1,40	1,40	1,40	1,40	
IRRIGATION.					
42—Irrigation—Major Works—					
Working expenses ... { In charge of Civil Officers ...	11	1	7	1	
Interest on debt* ... { In charge of Public Works Department Officers.	75,22	68,75	74,40	69,75	
Total ...	1,22,87	1,20,32	1,26,18	1,26,05	
Deduct—Imperial share ...	76,79	75,21	78,85	63,03	
Provincial share ...	46,08	45,11	47,32	63,02	
43—Irrigation—Minor Works and Navigation—					
In charge of Civil Officers ...	13	94	58	70	
In charge of Public Works Department Officers ...	56	50	65	80	
Total ...	69	84	1,03	1,30	
BUILDINGS AND ROADS.					
45—Civil Works—					
In charge of Civil Officers ...	10,25	9,91	10,16	19,91	
In charge of Public Works Department Officers ...	39,99	48,45	45,00	57,98	
Total ...	50,24	58,36	55,16	77,89	

* Not open to discussion, but the figures are shown here to secure the correct total.

APPENDIX A.

Account of Assignments given to, and Contributions received from the Provincial Government by, the Government of India which are adjusted through the Land Revenue head, under account rules (omitting thousands).

	Actuals, 1909-10.	Budget, 1910-11.	Revised, 1910-11.	Budget, 1911-12.	REMARKS.
	Rs.	Rs.	Rs.	Rs.	
Gross land revenue (including amount credited to Irrigation).	3,13,87	3,04,90	2,99,00	3,47,00	
Deduct—					
Portion of land revenue due to Irrigation	30,51	24,50	32,06	42,38	
Total land revenue to be divided proportionately Imperial share, five-eighths	2,83,16	2,80,40	2,66,94	3,04,62	* ½ with effect from 1911-12.
Provincial share	1,77,10	1,75,25	1,66,84	1,52,31	
Add contributions from Imperial—					
Fixed adjustment under the Provincial Settlement	3,00	3,00	3,00	6,77	
To meet the charges incurred in consequence of provincialization of expenditure in cemeteries.	9	9	9	...	
To cover expenditure on account of stores, &c., supplied to Provincial Press	5	5	5	...	
On account of the discontinuance of the district dak contribution.	1,41	1,41	1,41	...	
For plague and improvement of sanitation	4,00	4,00	4,00	...	
For Walker Hospital, Simla	4	...	4	...	4
For loss of revenue owing to the remission of audit fees.	51	51	51	...	
For local audit scheme	10	10	10	...	
For agricultural and veterinary development	2,50	2,50	2,50	...	
Towards half the cost of the office and establishment of the third Superintendent, Civil Veterinary Department.	4	7	5	...	
On account of charges for cantonment police	78	78	78	...	
For police re-organization	13,00	13,00	13,00	...	
On account of Punjab University	60	30	30	...	
For primary education	3,00	3,00	3,00	...	
In aid of European and Eurasian education	27	27	27	...	
In connection with the establishment of a class for training male teachers for European schools.	10	10	10	...	
As grant-in-aid to Alitchison College	25	25	25	...	
On account of redistribution between Imperial and Provincial of charges under 2—Assignments and Compensations.	26	26	26	...	
On account of the abolition of the patwari cess	15,64	15,64	15,64	...	
For loss on account of remission of famine cess	6,50	6,50	6,50	...	
For grants-in-aid to District Boards	6,50	6,50	6,50	...	
In connection with famine relief scheme	1,40	1,40	1,40	1,40	† 41 lakhs with effect from 1911-12.
To bring up the net revenue under Irrigation to 30½ lakhs.	4,26	4,66	3,60	5,61	
For repairs to tomb at Multan	...	...	1	...	
On account of archaeological survey	13	...	13	...	
To meet expenditure for certain plans and a model in connection with certain gardens proposed in commemoration of the Delhi Darbar of 1902-03.	4	...	...	...
For special bonus	5	...	...	...
The Imperial share of the sale-proceeds, during the last five years, of town sites in new colonies.	...	...	7,15	...	96
On account of the balance of the Imperial contribution towards the Simla improvement scheme.	...	...	1,74	...	
Non-recurring assignment for increased expenditure on Education and Sanitation.	...	...	19,00	...	
In aid of King Edward Memorial Hospital	...	...	10,00	...	
For relieving municipalities of Police charges	...	...	...	5,22	
To meet the charges in connection with the visit of His Imperial Highness the Crown Prince of Germany.	...	...	22	...	
Total	64,62	64,49	1,01,70	20,30	
Deduct contributions from Provincial—					
On account of transfer of the Cantonment Magistrates' Department to the Military estimates.	1,44	1,44	1,44	...	
In consequence of the change in the method of calculating interest on debt.	2,76	2,76	2,76	...	
For subordinate staff entertained to assist Captain Christopher, I.M.S.	1	...	1	...	
In connection with the new scheme of taxation	...	86	86	...	
On account of change in classification of the charges of the Public Works section of the account office.	...	...	...	23	
Total	4,21	5,06	5,07	23	
Net Provincial share	1,66,67	1,64,58	1,96,73	1,72,38	

[Mr. Humphreys,]

PUNJAB GOVERNMENT.
LEGISLATIVE DEPARTMENT.

Abstract of Proceedings of the Council of the Lieutenant-Governor of the Punjab, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 to 1909.

The Council met at the Council Chamber, Government House, Lahore, on Friday, the 17th March 1911, at 11 A.M.

PRESENT:

His Honour Sir LOUIS WILLIAM DANE, K.C.I.E., C.S.I., I.C.S.,
Lieutenant-Governor, *presiding*.

The Hon'ble Sardar SUNDAR SINGH, MAJITHIA, Sardar Bahadur,

The Hon'ble Mr. JOHN CORNWALLIS GODLEY, M.A.

The Hon'ble Malik MUBARIZ KHAN.

The Hon'ble Mr. JAMES MCCRONE DOUIE, C.S.I., I.C.S.,

The Hon'ble Mr. ROBERT HUMPHREYS, I.C.S.

The Hon'ble Mr. MICHAEL WILLIAM C.S.I., FENTON, C.S.I., I.C.S.

The Hon'ble Khan Sahib Sayad MAHDI SHAH.

The Hon'ble Mr. JAMES CURRIE.

The Hon'ble Khan Bahadur Seth ADAMJI MAMOOJI.

The Hon'ble Khan Bahadur Khwaja YUSAF SHAH.

The Hon'ble Mr. WEBSTER BOYLE GORDON, C.I.E.

The Hon'ble Mr. HENRY PARSALL BURT, C.I.E.

The Hon'ble Khwaja AHAD SHAH.

The Hon'ble Rai Bahadur HARI CHAND.

The Hon'ble Rai Bahadur SHADI LAL, M.A., B.C.L., Barrister-at-Law.

The Hon'ble Mr. ARTHUR MEREDITH, I.C.S.

The Hon'ble Nawab BAHRAM KHAN, MAZARI, C.I.E.

The Hon'ble Khan Bahadur Mian MUHAMMAD SHAFI, Barrister-at-Law.

The Hon'ble Sir ARTHUR M. KER, C.I.E.

The Hon'ble Mr. HENRY PHILLIPS TOLLINTON, I.C.S.

The Hon'ble Lala SULTAN SINGH.

The Hon'ble Lieutenant-Colonel CLEMENT GEORGE PARSONS.

The Hon'ble Mr. REGINALD ARTHUR MANT, I.C.S.

PUNJAB MUNICIPAL BILL.

The Hon'ble Mr. HUMPHREYS presented the Report of the Select Committee on the Bill to make better provision for the administration of municipalities in the Punjab. He said:—"I beg leave to present the Report of the Select Committee on the Bill to make better provision for the administration of municipalities in the Punjab."

[*Mr. Humphreys; President; Mr. Shadi Lal; Mr. Fenton.*]

"In view of the importance of the Bill affecting as it does vast majority of the urban population of this Province, and also in order that the Hon'ble Members may have full time to consider the amendments made by the Select Committee, I do not propose to-day to go on to the final stage of the Bill."

"I will not therefore at present detain the Council with detailed remarks on the Bill as it now stands. Suffice to say that in the opinion of the Select Committee the Bill has not been so amended as to render its publication necessary."

"I would ask any Hon'ble Members who will have any proposals to make for the consideration of the Council to give timely notice of any motion they may have to bring forward in order to facilitate consideration."

His Honour the PRESIDENT:—"I would propose that this Bill be taken up for final consideration at our next meeting which might be fixed for the 5th or 6th of April. His Excellency the Viceroy's visit to Lahore will most probably be over by then."

The Hon'ble Mr. SHADI LAL:—"It would be better if a large interval is given, say four weeks, from now."

His Honour the PRESIDENT:—"The 6th or 7th April will give you almost that time."

The Hon'ble SHADI LAL:—"I understand that there will be a meeting in the beginning of May."

The Hon'ble Mr. FENTON:—"If notice is given of amendments, there will be plenty of time up to the 6th or 7th of April, and so far as the official Members are concerned, we will be ready by then."

His Honour the PRESIDENT:—"This Bill has been before the public for some time. It was sent up to Government of India for approval before I took charge of this province and before the Decentralization Commission had formulated their opinion and long before their report was received. It is therefore exceedingly difficult radically to alter the character of the Bill, to meet the proposals made by the Decentralization Commission. If, however, any Hon'ble Member desires to make any alteration in the general nature of the Bill with a view to greater decentralization of municipal arrangements, it is perfectly open to him to introduce a Bill for that purpose. Even in European countries—at any rate in Great Britain—there is always a close financial control over local bodies, a control which it will be quite impossible to get rid of in this country. The Bill provides for all modes of control—for the most advanced Committees and for those not so advanced. The Government of India attach great importance to the financial control of local bodies. There are a very large number of petty municipalities in this province, some of them have been converted into notified areas, and these are subject to local audit. This is very inconvenient and expensive as local auditors have to travel to out-of-the-way places. In order to avoid this inconvenience, a proposal was put forward for the consideration of the Government of India that municipalities and notified areas with an income not exceeding Rs. 2,500 a year might be freed from local audit. The Government of India were unable to accept this proposal. It is therefore obvious if the Government of India did not agree to free such petty municipalities with an income of Rs. 200 a month, that they would agree to any relaxation in the case of more important local bodies."

"The Municipal Bill will stand over for consideration until the next meeting of the Council on the 6th or 7th of April."

[Mr. Fenton.]

PUNJAB PANCHAYAT BILL.

The Hon'ble Mr. FENTON moved for leave to introduce the Bill to provide for the establishment of *panchayat*s in the Punjab. He said:—
 "Your Honour,—I move for leave to introduce a Bill to provide for the establishment of *panchayats* in the Punjab.

"A good deal of public interest in the question of *panchayats* has been evoked by the Report of the Royal Commission on Decentralization, and the nature of the present Bill has been the subject of intelligent anticipation of events based on the recommendations of that body.

"There is", the report observes, 'a large and strong body of opinion in favour of enlisting the help of the people in local administration in the villages, by the establishment of administrative village councils which should bear the time-honoured title of *panchayat*. . . . We hold that it is most desirable alike in the interests of decentralization, and in order to associate the people in the local tasks of the administration, that an attempt should be made to constitute and develop village *panchayats* for the administration of local village affairs. We are of opinion also that the foundation of any stable edifice which shall associate the people with the administration must be the village, as being an area of much greater antiquity than administrative creations such as tahsils It is probable, indeed that the scant success of the efforts hitherto made to introduce a system of rural self-government is largely due to the fact that we have not built up from the bottom.'

"In pursuance of the recommendations of the Commission the Bombay Government have promulgated a Bill in which this idea of local self-government, with the village as the unit and the village *panchayat* as the administrative authority, is fully carried out. Sanitation, public health and the abatement of nuisances, public works and education, the supervision of watchmen and other public servants—the whole field almost of local self-government—will come under the purview of these statutory *panchayats* to be established in the villages of the Bombay Presidency, and that there should be nothing wanting to complete the scheme the *panchayats* have been endowed with authority to tax the persons residing, and the property situate, in the village.

"This Bombay scheme has been commended in the columns of a local Indian paper, which apparently advocates for the Punjab a similar system. The *Tribune* says:—

"Almost every recognised writer on Civil Government has admitted that the village is the smallest administrative area, and that it is there that people are satisfactorily trained in the proper exercise of administrative powers. Village organizations bring into play local knowledge for the requirements of the community and stir the interests of the inhabitants in the management of their own affairs. In India where communal management of local affairs has been the rule from time immemorial the resuscitation of these organisations will not only afford a suitable training ground for practical business, including the control of expenditure from common funds, but will help the people to realise their responsibility for the collective acts of the *panchayat* If progress and reform should take the place of decay and degeneracy that now characterise the village community, it is possible only by curtailing the powers of the minor imps of the officialdom and by making the village community feel a certain amount of pride in taking a share in the administration of the village affairs."

[Mr. Fenton.]

"Now, inasmuch as the Bill which I now ask leave to introduce makes no provision whatsoever for a *punchayat* system of the kind which has thus commended itself to the Decentralization Commission, to the Bombay Government and to the *Tribune*, it seems necessary that before announcing what the present Bill does enact I should explain what it does *not* enact, and why the Punjab Government is not to be considered retrograde for not legislating with a view to this building up of self-government from the village unit.

"The fact is that we already have self-government in our Punjab villages. Anyone conversant with our village administration papers will call to mind the numerous customs and usages recorded therein on such subjects as irrigation rights, mills, tanks, streams and drainage, the management of the common land and the enjoyment of grazing and other rights therein, the duties of all classes of village servants and the dues to which they are entitled, and other matters of a similar kind. Then we have all heard of village cesses. The *malba* or village expenses rate is prevalent in almost every district of the province. Our *chaukidars'* rules recognise the existence in many villages of such customary rates as *kumiana*, *chungi*, *dharrat*, *mohtarf*, *hikk bua* and the like, and make provision for the payment of watchmen's dues from the proceeds of such rates at the option of the majority of the village headmen. To the colony villages on the Chenab Canal we shall hand over, when the Colony Bill becomes law, an income of over a lakh per annum which will be levied and collected by the village proprietary bodies as a village cess without any interference from Government. Some sixteen years ago the question of bringing under statutory regulation this vague system of village cesses came under discussion, and it was decided by Sir Dennis Fitzpatrick that no attempt should be made to introduce legislation into the sphere of village government. Sir Dennis' decision was based on the advice of the late Sir Denzil Ibbetson whose views, I am sure, will meet with the concurrence of the present Council. Mr. Ibbetson, as he then was, was dealing with a proposal of the Deputy Commissioner of Shahpur to make rules under the Land Revenue Act to bring under statutory control the levy and expenditure of village cesses. 'If I agreed with Mr. Wilson in his general views upon this question,' said Mr. Ibbetson. 'I should be prepared to run the risk of occasional injustice in order to secure that control. But I fear that I differ from him *in toto*. I do not agree that in respect of such matters as are now under discussion "it is, high time that village administration in the Punjab were put under law and rule, and not left to vague custom." I do not agree that it is necessarily "objectionable to continue a system by which one class of subjects are allowed to tax another class for the benefit of their own pockets." Directly we make rules we limit powers. Our village system is fast falling into decay, but I do not think it has yet gone so far that we should give up as beyond hope what has always been looked upon (in my opinion rightly) as one of the most valuable characteristics of Punjab society, and should actively demolish its remnants. The levy of small dues by the proprietary body from other inhabitants of the village and the discretion allowed (within wide limits) to the village headmen in the management of the village income and expenditure are two of those remnants which have survived almost unimpaired. Every day the occidental spirit that is spreading so fast threatens them, and it will probably overwhelm them eventually; but I would do nothing to hasten the process. Moreover, I do not think that we *could* interfere either wisely or effectively. The dues in question have been realized, in one village or another, for generations past, and the people are accustomed to them. In each village a customary distribution has grown up by which certain common expenses

[Mr. Fenton.]

are defrayed from certain items of common income. This allotment of income differs from village to village; it is often based upon and adapted to local peculiarities, and it is always understood and generally accepted by the villagers. I object to any attempt to introduce uniformity in such matters. We cannot know the facts fully. We should upset long-standing custom, disturb men's minds, give rise to heart-burnings and litigation, and do infinitely more harm than good. I do not for a moment believe that a system of committees for every village in the district, as proposed by Mr. Wilson, would work. Where it did not become a dead-letter (as it often would) it would give opportunities to the malcontents who are to be found everywhere, and would impose upon the District Officers the burden of auditing the private accounts of village communities who have hitherto managed them with reasonable satisfaction to themselves.

"Now it will be observed that Sir Denzil Ibbetson did not decry village autonomy. What he did deprecate was its statutory regulation. In the Punjab, as all here are aware, there is a large province of law in which custom and not statute governs juridical relations. We are sufficiently familiar with the authoritative position, derived from section 5 of the Punjab Laws Act, of custom in such matters as succession, adoption, wills, gifts and family relations generally. What we are apt to forget is that section 7 of the same Act invests with similar authority all local customs; and it is local custom that has heretofore regulated and should continue to regulate self-government within the village. In a word, the case against legislation in the Punjab for the establishment of village *panchayats* on the Bombay plan rests on exactly the same foundation as the case against statutory codification of our Punjab Customary Law. Had the Punjab been represented on the Decentralization Commission, the chapter of the report on the subject of village government would probably have been written differently.

"Well then if our Bill is not a measure for the establishment of local self-government in the village, what is its aim and object? It cannot have escaped the notice of those who have followed the course of public affairs in recent years that the people of this Province are becoming extraordinarily litigious. In the year 1908 the number of civil suits instituted in the Punjab was 189,160 or 9·2 per thousand of the population as compared with 174,249 or 3·7 per thousand of the population in the United Provinces. In the year 1909 the Punjab figures had run up to 210,894. This is an evil that the Decentralization Commission did not fail to recognize and prescribe for 'To relieve the regular courts, to prevent the people from having to undertake long journeys for the settlement of paltry disputes and to check the habit of undue litigation, which is so prevalent in some parts of India,' the Decentralization Commission has recommended the constitution of *pinchayat* courts with civil jurisdiction in petty cases arising within the village or other local area for which they are appointed. It is to carry out this portion of the Commission's programme that the present Bill has been framed.

"Now, I fancy that the recollection of some of the members of this Council will be stirred by memories of something of the kind in the Province before. The *panchayat* question in the Punjab has had a long history of discussion and controversy, and moreover it has also been the subject of experiment. The history of such experiments has been recorded by Mr. Justice Thornton, and I propose to read to the Council a few extracts from his able minute on the subject recorded in 1879. I do so because it is right that the Council should know that Government in initiating the present legislation does so with a full knowledge of all that has been urged against *panchayats* in the past, and of the fact that the experiment inaugurated by the Board of Administration in the early fifties proved a failure. 'This experiment,' Mr. Thornton, says, 'was heralded to the

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world with a pardonable flourish of the patriarchal trumpet, as follows :—
 “Private arbitration is a potent means of popular justice. The attribute of divine discernment which the people of India fondly ascribe to their cherished institution, the *panchayat*, is no less associated with arbitration in the mind of the Punjabi. From the first, the Board have been anxious that public disputes should be referred to that rude tribunal, whose voice is all-powerful in ‘the regulation of private affairs, &c., &c.’” This is rather a good example of the florid style of the Mr. Temple, who was then Secretary to the Punjab Board of Administration. By the year 1879 Sir Richard Temple, then Governor of Bombay, had changed his mind and his Secretary wrote in a letter dated 8th September of that year: ‘With regard to the recommendation of a village *panchayat*, I am to say that the Governor in Council has no faith in the efficient working of a *panchayat* of respectable elders.’

After reviewing the whole history of the decline and fall of the *panchayat* system introduced by the Board of Administration Mr. Thornton observes :—

‘The fact is, that the *panchayat* as a tribunal for the decision of disputes, flourishes under certain conditions; one condition being that *nothing better is to be got*. It thus flourished, and still flourishes, under native rule, but only in the absence of any other method of obtaining justice; it is still resorted to under our rule for the decision of caste disputes, with which our courts are incompetent to deal, and in disputes between traders, wherein both parties equally abhor the publicity of a court of law. But for ordinary civil suits, the decisions of *panchayats* or arbitrators are but a poor substitute for the justice obtainable in the court of an uncorrupt and educated Judge; and the people know it.

* * * * *

‘It is, of course, very pleasant to think of a system of patriarchal justice, under which disputes between the ryot and his banker are decided once for all by the *splendida judicia* of some village Minos, or amicably adjusted by a group of elders seated in the shade of an umbrageous pipal. But, unfortunately, this is not what happens. What happens is that the *panchayat* or arbitrator is “got round” by one of the contending parties; in other words, that wealth or influence, not justice, wins the day. For my own part, brought up at the feet of “patriarchs,” I heartily advocate their policy of associating the people with us, and utilizing their agency in the business of administration, and am prepared with Sir Henry Davies to “sacrifice a large amount of theory” to secure substantial justice; but with every disposition to do so in the present case, and every desire to favour and cherish an ancient institution, I have sorrowfully but certainly arrived at the conclusion that any attempt to resuscitate the *panchayat* or arbitration tribunals of old time is a fond delusion, and that all who seek to do so must be reckoned amongst those estimable but impractical philanthropists *qui ont pris les souvenirs pour les esperances*.’

“Now all this sounds very sad indeed. As Mr. Justice Robertson observed, Humpty Dumpty certainly had a great fall, and that learned Judge is convinced that all the King’s horses and all the King’s men will never put Humpty Dumpty together again; and yet that is just exactly what this Council is now being asked to do.

“From the discussions and controversies which have taken place over this question one significant fact emerges. ‘It seems to me,’ Sir Charles Aitchison remarked, ‘that on this question the English opinion is all on one side and the native opinion all on the other. The question, however, is one on which the native is best qualified to speak.’ The same view had been taken by Sir Robert Egerton. Sir James Lyall too was in favour of the constitution of rural benches for the disposal of petty civil suits. The views and intentions of these Lieutenant-Governors never reached fruition owing to the question having been mixed up *firstly* with the local self-government scheme and afterwards with the measures for the prevention of the alienation of land to money-lenders. When ultimately it was brought under review ten years ago Sir Mackworth Young was opposed to any action in the matter being taken. More recently, however, Sir Denzil Ibbetson left it on record that *panchayats* might usefully be given powers in petty civil cases, and he intended to have the question examined. The Colonies Committee

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presided over by Sir T. Gordon Walker included in their report a very strong recommendation for the establishment of judicial *panchayats* in the Chenab and Jhelum Colonies. Finally, we have the definite recommendation of the Decentralization Commission which I have already mentioned.

"Thus it will be seen that we can cite the opinions of some whose views are entitled to the highest respect in justification of our attempt to set Humpty Dumpty on his legs again, and it is to be noted that those who have prophesied failure have, with the exception of the experiment of the fifties, little more than *a priori* reasoning to go upon. Sir Richard Temple's *panchayats*, however, were of the nature of arbitration tribunals to which the regular civil courts referred cases for decision rather than courts empowered of their own authority to deal with suits from the plaintiff stage to that of the decree. Of successful experiments on the other hand we have had object lessons in the *panchayat* systems of the Patiala and Faridkot States and the civil jurisdiction of Jirgas in the frontier districts. The position then is essentially one in which experimental legislation is justifiable, and the results which have attended recent experimental legislation afford much encouragement. Many were the sceptics who forecasted certain failure for the co-operative credit societies scheme which is now proving such a success, and our Land Alienation Act, which according to the predictions of the opponent of the Bill in the Imperial Legislative Council, was to spell ruin for the agricultural classes, is now regarded by these latter as the supreme charter of their economic existence.

"There is one feature in the annual returns of civil litigation which seems to me to indicate a very useful function which might with advantage be discharged by *panchayat* courts. Only about one-fourth of the total number of cases instituted in our civil courts are returned as disposed of 'with contest.' The remaining three-fourths represent cases withdrawn, compromised or decreed on confession of judgment. It looks then as if our courts are largely used for no other purpose than to bring pressure to bear on defendants with a view to outstanding claims and disputes being settled promptly. Is there any reason why this duty should not be discharged by rural tribunals, to the advantage of the parties, who would not have to make such long journeys, and to the advantage of the regular courts which would be saved from having their time taken up by the merely routine duties of registering plaints, issuing processes, accepting compromises and granting consent decrees? If the creditor, who merely desires to convert his bond into a decree on confession of judgment, finds that a *panchayat* court in or near his village can issue a decree possessing all the validity of a Munsif's decree and costing much less, will he not appreciate and utilise the facilities of the new procedure? I do not imply that *panchayat* courts will be used only for such purposes and not for contested cases also, but if they are used for such purposes it will be a distinct administrative gain and a decided convenience to the litigating parties.

"About the details of the Bill I shall not say much, although they are of the greatest importance, because there will be ample opportunity to discuss them later on, and because I understand that at the introduction stage of a Bill it is the correct procedure for the mover to confine his remarks as far as possible to questions of principle. Briefly however I may explain that there will be no compulsion on suitors to resort to *panchayat* courts. Defendants will not be obliged to accept their jurisdiction if they are not so minded. Either party may object to individual members of the *panchayat* sitting on the bench for the decision of their particular case. In a word, there are ample precautions in the Bill to ensure that the tribunals are acceptable to the litigants who resort to them. Court-fees on all plaints are remitted, a concession which should go far to secure popularity for the new tribunals.

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No legal practitioners will be allowed, and, subject to a power of revision vested in the District Judge, the decrees of *panchayats* will be final, all appeals being barred. There will be no records beyond brief entries in a register, and the decrees granted by *panchayats* will be executed by the Munisif having jurisdiction in the local area. The most important matter of all perhaps—the method of selection of the persons who will compose the *panchayats*—is left to be dealt with by rules, because different methods may be found desirable in different localities. Only experience will show what is best. Lastly, the *panchayats* will not be *village panchayats*. No local area is prescribed by the Bill as the unit of *panchayats* jurisdiction. It will probably be found that the *zail* rather than the village on the one hand or the *thana* on the other will ordinarily define the local area for which *panchayats* will be constituted, and it should be remembered that *zail* limits are as a rule fixed with reference to tribal considerations, and that in the Punjab tribal considerations possess more significance than those which have led the Decentralization Commission to attach so much importance to the village as a unit.

“The question of entrusting *panchayats* with criminal jurisdiction is not dealt with in this Bill, but has been left over for separate legislation. This arrangement will no doubt commend itself to the Hon’ble Member who at the Council meeting in July last advocated complete separation between officials exercising civil and criminal powers, respectively. Two other non-official members of the Council have already publicly pledged themselves to the principle of *panchayat* courts for civil cases, and I trust that the details of the Bill will equally secure their support. But the Bill must not be regarded as a measure which Government is pledged by the whole weight of its official influence to drive through the Council at all hazards. It is rather an attempt to solve a problem which has puzzled two or three generations of officials and which is now handed over for solution to a Council containing a majority of non-officials. With these remarks I move for leave to introduce the Bill.”

The motion was put and agreed to; and the Hon’ble Mr. FENTON introduced the Bill.

The Hon’ble Mr. FENTON moved that—

- (a) the Bill, together with its Statement of Objects and Reasons, be published in the *Punjab Gazette* in English and Urdu;
- (b) the Bill be circulated for the purpose of eliciting opinion thereon;
- (c) the Bill be referred to a Select Committee consisting of the Hon’ble M. MUHAMMAD SHAFI, the Hon’ble Mr. SHADI LAL, the Hon’ble Sardar SUNDAR SINGH, the Hon’ble Malik MUBARIZ KHAN and the MOVER.

The names of the following Members were added to the Select Committee:—

The Hon’ble Sayad MAHDI SHAH,
The Hon’ble Khwaja YUSAF SHAH,
The Hon’ble Rai Bahadur HARI CHAND,
The Hon’ble Sardar PARTAP SINGH, and
The Hon’ble Nawab BAHRAM KHAN, if willing to serve.

The motions were put and agreed to.

DELHI DARBAR POLICE BILL.

The Hon’ble Mr. FENTON moved for leave to introduce the Bill to provide for the administration of the area occupied by or adjacent to the various camps at the Coronation Darbar to be held at Delhi and of any such area within the limits of the Delhi Municipality as the Local Government

[*Mr. Fenton.*]

may prescribe. He said :—" I beg leave to introduce the Bill to provide for the administration of the area occupied by or adjacent to the various camps at the Coronation Darbar to be held at Delhi and of any such area within the limits of the Delhi Municipality as the Local Government may prescribe.

" I do not propose to detain the Council long with this Bill. I may say at once that this Bill is a re-enactment of the Bill passed in 1902, with one small additional clause, *i.e.*, clause 2 of section 1.

" The Bill of 1902 was passed only a month or so before the Darbar was held, and the whole Act came into force at that time. Now we are several months in advance of the proposed date, and we have accordingly introduced a provision in this Bill for bringing specific portions of the Act into force from time to time as required.

" The Statement of Objects and Reasons circulated with this Bill is rather brief. The Bill of 1902 was carefully considered and discussed by a Select Committee, and I will therefore read an extract from the Statement and Objects published with it which gives reasons for the provisions made with regard to the mode of dealing with the petty offences which may possibly be committed within the areas of the Darbar Camps :—

' The present Bill has been drafted with a view to provide for the numerous petty offences that will doubtless occur at the Delhi Darbar.

These have been summarized in the Bill with the object of providing the Police and Magistrates with the power to deal with such offences speedily and to reduce labour and delay in their disposal. Most of such matters could no doubt be dealt with under the ordinary criminal law or under special Acts, but it is thought that this would be more cumbersome and, for the petty offences dealt with, unnecessary. They could also be provided for by executive orders, but these would be in a great measure restricted by the Darbar Camps not being within the limits of a town or cantonment. The Act will relieve the Police and Magistrates of all doubts as to how the offences mentioned in it should be dealt with. It seems right that the Police and others, such as special constables or soldiers detailed for Police duties, should have the power to arrest without warrant any person committing any of the offences specified in the Act within their sight. Special Magistrates will, it is understood, be appointed for the Darbar and be given power to try summarily all offences specified in the Act.'

" It is proposed that this Bill be not only introduced to-day, but that it be taken into consideration and passed.

" I trust that this Council will mark its appreciation of the signal honour conferred on one of the cities of this Province by His Majesty's selecting it as the seat of his Darbar by unhesitatingly consenting to the Bill.

" With these remarks I beg leave to introduce it."

The motion was put and agreed to.

The Hon'ble Mr. FENTON introduced the Bill.

The Hon'ble Mr. FENTON moved that the Bill be taken into consideration.

The motion was put and agreed to.

The Hon'ble Mr. FENTON moved that the Bill be passed.

The motion was put and agreed to.

ADJOURNMENT.

THE Council adjourned until Thursday, the 6th April 1911.

S. W. GRACEY,

The 17th March 1911.

Secretary, Legislative Council.

PUNJAB GOVERNMENT.
LEGISLATIVE DEPARTMENT.

Abstract of Proceedings of the Council of the Lieutenant-Governor of the Punjab, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 to 1909.

THE Council met at the Council Chamber, Government House, Lahore, on Thursday, the 6th April 1911, at 11 A.M.

PRESENT :

- His Honour Sir LOUIS WILLIAM DANE, K.C.I.E., C.S.I., I.C.S.,
Lieutenant-Governor, *presiding*.
- The Hon'ble Mr. JOHN CORNWALLIS GODLEY, M.A.
- The Hon'ble Malik MUBARIZ KHAN.
- The Hon'ble Mr. JAMES MCCRONE DOUIE, C.S.I., I.C.S.
- The Hon'ble Mr. ROBERT HUMPHREYS, I.C.S.
- The Hon'ble Mr. MICHAEL WILLIAM FENTON, C.S.I., I.C.S.
- The Hon'ble Khan Sahib Sayad MAHDI SHAH.
- The Hon'ble Mr. JAMES CURRIE.
- The Hon'ble Khan Bahadur Seth ADAMJI MAMOOJI.
- The Hon'ble Khan Bahadur Khwaja YUSAF SHAH.
- The Hon'ble Mr. WEBSTER BOYLE GORDON, C.I.E.
- The Hon'ble Mr. HENRY PARSALL BURT, C.I.E.
- The Hon'ble Sardar PARTAP SINGH, Ahluwalia, C.S.I.
- The Hon'ble Khwaja AHAD SHAH.
- The Hon'ble Rai Bahadur HARI CHAND.
- The Hon'ble Rai Bahadur SHADI LAL, M.A., B.C.L., Barrister-at-Law.
- The Hon'ble Mr. ARTHUR MEREDITH, I.C.S.
- The Hon'ble Nawab BAHRAM KHAN, Mazari, C.I.E.
- The Hon'ble Khan Bahadur Mian MUHAMMAD SHAFI, Barrister-at-Law.
- The Hon'ble Sir ARTHUR MILFORD KER, C.I.E.
- The Hon'ble Mr. HENRY PHILLIPS TOLLINTON, I.C.S.
- The Hon'ble Lala SULTAN SINGH.
- The Hon'ble Lieutenant-Colonel CLEMENT GEORGE PARSONS.
- The Hon'ble Mr. REGINALD ARTHUR MANT, I.C.S.

[*Khwaja Yusuf Shah; Mr. Fenton; Mr. Shadi Lal.*]

QUESTIONS AND ANSWERS.

The Hon'ble Khwaja YUSAF SHAH asked :—" I was informed about the middle of last year in reply to a question put by me in Council that improvement of the Executive Branch of the Provincial Civil Service was shortly to be made, but 7 months have now passed yet no announcement has been made on the subject. Will Government be pleased to say about when the impending improvement is likely to be sanctioned and whether Government would be kind enough to sanction it with retrospective effect from the date from which the improvement to the Judicial Branch was made?"

The Hon'ble Mr. FENTON replied :—" The proposals of the Local Government were returned by the Government of India with a request for further information. This has been supplied in a letter to the Government of India dated 10th February. I am unable to say when the final orders of the Secretary of State will be received. Application has been made for retrospective effect from 1st January 1911."

The Hon'ble Khwaja YUSAF SHAH asked :—" Seeing that the Judicial Branch of the Provincial Civil Service has 4 Sessions Judgeships open to its members as compared with 2 Deputy Commissionerships open to the Executive Branch, if Government is not at present prepared to increase the number of Deputy Commissionerships open to the latter, will Government be pleased in proposing the improvement of the Executive Branch to take this matter into consideration and by way of compensation provide a 1st grade of Rs. 1,000 or Rs. 900 for Extra Assistant Commissioners?"

The Hon'ble Mr. FENTON replied :—" The number of listed posts on the Executive side has been fixed in accordance with the recommendations of the Public Service Commission and the orders of the Government of India and Secretary of State thereon. In addition to the two Deputy Commissionerships mentioned by the Hon'ble Member two Settlement Collectorships are filled by members of the Provincial Civil Service, and a member of that service holds the post of Census Superintendent. It is not open to the Local Government to increase the number of listed posts. It is not proposed to recommend the creation of a grade of Rs. 1,000 or Rs. 900 for Extra Assistant Commissioners. In no province of India is there a higher grade than Rs. 800 for the Executive Branch of the Provincial Civil Service."

The Hon'ble Khwaja YUSAF SHAH asked :—" Taking into consideration that the numbers in the 5th and 6th grades of Extra Assistant Commissioners are double of those on the Judicial side of the Provincial Civil Service, and that though a number of Extra Assistant Commissioners are placed on foreign service, there are times, as at present, when a large number revert, thus impeding promotion, will Government in formulating the scheme for improvement of the Executive line bear this fact in mind so that this branch may offer as good prospects as the Judicial?"

The Hon'ble Mr. FENTON replied :—" The scheme for the improvement of the Executive Branch of the Provincial Civil Service has, as I have already intimated, left the hands of the Local Government. The considerations to which the Hon'ble Member alludes were borne in mind in formulating the scheme!"

The Hon'ble Mr. SHADI LAL asked :—" Will the Government be pleased to lay on the table a statement for the last four years, 1906-07, 1907-08, 1908-09 and 1909-10, showing—

- (a) the average consumption of liquor per one hundred inhabitants in each district of the Punjab;
- (b) the average number of crimes per one thousand inhabitants for each district?"

[*Mr. Meredith; Mr. Shadi Lal.*]

The Hon'ble Mr. MEREDITH replied:—"Statements have been prepared and are laid on the table as desired by the Hon'ble Member. Statement I (a)¹ shows for the last four years, *i.e.*, from 1906-07 to 1909-10, the average consumption of liquor per hundred inhabitants in each district of the Punjab. Statement I (b) gives the same information for foreign spirit.

"Statement II² shows the average number of 'serious' crimes, *i.e.*, serious offences against the person and against property as shown in the Annual Police Reports for every 1,000 inhabitants of each district in the Punjab for the same years as in Statements I (a) and I (b). The statements are naturally lengthy, and I do not propose to occupy the time of the Council in reading them. I will refer to the figures for the four districts in which illicit distillation is most prevalent in my answer to the third question."

The Hon'ble Mr. SHADI LAL asked:—"Whether the attention of the Government has been drawn to the remarks of the Inspector-General of Prisons in the Punjab at page 2 of his report on the Administration of Jails in the Punjab for 1909 to the effect that undue prevalence of crime in Ferozepore district was the result of the drinking habit amongst the peasantry, and alcohol and crime walked hand in hand? In view of the above remarks based on the opinion of district officers of mature experience will the Government consider what steps could be taken to decrease the consumption of liquor and thereby decrease the number of crimes due to the drinking habits of the people?"

The Hon'ble Mr. MEREDITH replied:—"The connection between the consumption of alcohol and the prevalence of rural crime especially in the Ferozepore district has for sometime occupied the attention of Government.

"The general policy of the Government of India, to quote from the Excise Committee's Report, is to make the tax upon liquor as high as it is possible to raise it, without stimulating illicit production to a degree which would increase instead of diminishing the total consumption, and without driving people to substitute deleterious drugs for alcohol, or a more for a less harmful form of liquor. Subject to these considerations the number of liquor shops should be restricted as far as possible, and their location should be periodically subject to strict examination with a view to minimize the temptation to drink.

"In pursuance of this policy a scale has been fixed for each town, all rural shops have been scrutinized and the number for each district fixed by the Financial Commissioner after which no new shops can be opened without sanction. In the Ferozepore district alone the number of retail country spirit shops which in 1904-05 was 106 has been steadily reduced year by year to 75 in the present year. The average number of villages for each shop which in 1904-05 was 15.2 is now 21.4, and the population per shop has increased from 9,038 to 12,774.

"A detailed enquiry in connection with the experiment of fixed or reduced license fees (which will be mentioned in the answers to the Hon'ble Member's next question) laid stress on the fact that the increased consumption of liquor in the Ferozepore district was due partly to plague and partly to increased prosperity, and possibly to the experiment itself. The Deputy Commissioner of Ferozepore, Mr. Atkins, attributed the increase of crime in the years 1907-09 to the cheap liquor which the fixed fee system made readily available.

"Among other steps which the Government have under contemplation for diminishing the evil are the increase of still-head duty, the prohibition of consumption on licensed premises and the possible replacing of the present auction system by a more efficient substitute. The still-head duty has already been increased from Rs. 4 to Rs. 5 from 1st April 1909. The excise establishment has recently been specially strengthened at considerable increased

¹ Vide appendix A.

² Vide appendix B.

[*Mr. Meredith ; Mr. Shadi Lal.*]

expenditure, and illicit distillation will be made increasingly difficult. But, as His Honour the Lieutenant-Governor has already pointed out, the real remedy lies in public opinion, and until we have the people themselves on our side in this matter, ready to assist actively in the work of suppression, little real progress will be made in checking this growing evil."

The Hon'ble Mr. SHADI LAL asked:—"Will the Government be pleased to state whether the system of fixed fee shop licenses has been replaced by the auction system, and if so, in what districts has the change been made and what was the excise revenue before and after the change in those districts?"

The Hon'ble Mr. MEREDITH replied:—"The form of the question is misleading. It might be assumed from the wording that it was the normal system of allotting licenses by fixed fees that had been replaced by the auction system in certain districts with the object of increasing the revenue.

"The auction system is, and has been for years, the usual method of allotting liquor licenses throughout the province. Government is fully alive to the disadvantages of this system, and is prepared to work up to the conclusion arrived at by the Excise Committee that the auction system should be replaced as soon as efficient control is secured, and a proper substitute is found for it.

"The main difficulty in excise control in this province is the prevalence of illicit distillation. The system of licensing liquor shops at fixed or reduced fees was introduced as an experiment from April 1st, 1905, in the rural tracts of Amritsar, Jullundur, Ludhiana, and the Ferozepore district, excluding the Fazilka tahsil, with the object of diminishing the illicit distillation for which these tracts have always been notorious. The Deputy Commissioners of these districts were empowered to decide the location of shops and to select licensees. License fees were fixed at very low rates and licensees were bound to sell liquor only at 25 degrees under proof, to use Government measures, and to sell at a maximum price of 12 annas a quart.

"In 1906 sale for consumption on the premises was forbidden. An intermediate report on the working of this system was submitted in 1907 to the Government of India and forwarded to the Secretary of State. The continuance of the experiment was sanctioned up to April 1910, and the Government of India ordered the still-head duty to be raised to Rs. 5 a proof gallon. The fixed license fees were enhanced to such rates as were justified by the ascertained circumstances of each shop and the maximum price per quart which had been raised to 14 annas in 1907 was further enhanced in 1909 to Re. 1.

"A further report was furnished on the working of the system in 1909, and as the results achieved did not justify the continuance of the experiment, it was abandoned with effect from 1st April 1910, when the auction system was reverted to.

"The figures showing the average consumption of Indian spirit per 100 inhabitants in these four districts, and the incidence of serious crime per 1,000 inhabitants are interesting, and I propose to read them to the Council:—

Average consumption of Indian spirit per 100 inhabitants.

	1904-05.	1905-06.	1906-07.	1907-08.	1908-09.	1909-10.
Jullundur	1'3	3'0	2'7	2'5	2'3	2'5
Ludhiana	1'7	3'6	3'9	3'9	3'4	2'7
Ferozepore	2'2	3'9	5'4	7'02	5'5	3'9
Amritsar	4'2	6'7	6'1	5'7	5	5'3

[*Mr. Meredith.*]

"The figures for 1910-11 are unfortunately not yet available. These figures show that there was a considerable rise in all four districts, the first year of the introduction of the cheap liquor system and that that increase has been maintained to a certain extent in Ferozepore and Amritsar but not in Jullundur and Ludhiana; while even in the first-named two districts consumption has decreased during the last two years. It is doubtful whether these figures prove anything beyond the fact that illicit distillation was probably extraordinarily prevalent in 1904-05, before the cheap licit liquor was available.

"The figures of crime are more instructive:—

Serious crime per 1,000 of population.

	1905.	1906.	1907.	1908.	1909.	1910.
Jullundur	1'48	'49	'5	'41	'39	'48
Ludhiana	'76	'76	'76	'62	'73	'75
Ferozepore	'99	'97	1'03	1'12	1'00	'87
Amritsar	1'01	1'20	1'29	1'18	1'17	1'38

"In 1904 the average per 1,000 of the population in Ferozepore was 1'48. Thus instead of there having been an increase in the total serious crime in the Ferozepore district, there has been a considerable decrease in the last five years. Ferozepore is not at all high up in the list of districts in the Province as regards serious crime,

in 1905 it was 7th

in 1906 it was 7th

in 1907 it was 7th

in 1908 it was 8th

in 1909 it was 10th, and

in 1910 it was 15th.

"It may also be noticed that the figures for the Rawalpindi and Multan divisions, where comparatively little alcohol is consumed, are almost as high as those for the Central Punjab where drinking is excessive. The fact appears to be that while there has been a decrease in the total crime in the Ferozepore district, there has been an increase of late years in the number of those violent and brutal offences which occur periodically in various countries, which attract considerable attention at the time, and for which it is not always easy to account. That these offences are committed by men under the influence of drink is no doubt true, but it is not so certain that the increase in their number is due to the increased consumption of liquor. As was remarked by His Honour the Lieutenant-Governor in his recent speech at Faridkot, men with some grievance, real or imaginary, when they wish to commit crimes of violence, sit down and deliberately drink themselves mad. This is done partly no doubt in order to screw up the courage of the perpetrators to the requisite pitch. But there is also reason to believe that the idea is prevalent that if the crime can be made to appear in the light of a drunken brawl a lighter sentence may be expected while the real and deliberate object of the participants, the removal or injury of an obnoxious person, has been successfully attained. This will account to some extent for the cases in which men and women are injured indiscriminately, against whom the criminals have no kind of grudge, real or

[*Mr. Shadi Lal ; Mr. Godley ; Mr. Muhammad Shafi ; Mr. Fenton.*]

fancied, of any kind. The remedy for this state of things lies probably with our Courts of Justice, in the more careful discrimination between offences really deliberate and those which are more or less the outcome of a sudden quarrel, and in the award of really deterrent sentences in cases of assured guilt.

"Statement No. IV¹ shows the excise revenue from country liquor, including license fees for the sale of country spirit and still-head duty (a) for the two years before the experiment was tried, (b) for the period during which the experiment was continued and (c) the license fees alone for the two years after the experiment was abandoned. The figures of still-head duty for the years 1910 and 1911 are not yet available."

The Hon'ble Mr. SHADI LAL asked:—"Whether the Government intends to take steps to introduce the teaching of temperance in the curriculum of primary and secondary schools and to check the spread of the pernicious habit of smoking amongst school boys?"

The Hon'ble Mr. GODLEY replied:—"The measures suggested in the Hon'ble Member's question are taken already. The school reading-books include a number of lessons on the evil effects of intoxicants and the duty of temperance, schools have been supplied with temperance literature and with a chart showing the evil effects of smoking on the young; temperance lectures are occasionally delivered, and smoking and the use of intoxicants are forbidden in schools and boarding houses.

"Detailed information on these points can be obtained from the Education Department and the Text-Book Committee."

The Hon'ble Mr. MUHAMMAD SHAFI asked:—"Will the Government be pleased to inform the Council—

- (a) What is the total number of the population of the British districts in the Punjab as ascertained at the recent Census and how many of those are Muhammadans, Hindus, Sikhs, Christians and Jains, respectively?
- (b) What was the total population according to the previous Census and how was the total then distributed over the communities mentioned above?
- (c) As sweepers and chamars have been recorded as Hindus in the Census returns, what is the total number of these two classes as distinguished from Hindus proper?"

The Hon'ble Mr. FENTON replied:—"The Superintendent of Census reports:—

"(a) and (b)—The total population of British districts is 19,962,165 according to provisional totals which are subject to correction in the final tables. The corresponding figure for 1901 was 20,330,307.

"Figures of distribution by telegram are not available yet for the recent Census. The figures of 1901 are:—

Hindus	...	...	...	7,874,413
Sikhs	...	...	...	1,517,019
Jains	...	...	...	42,745
Muhammadans	...	...	...	10,825,698
Christians	...	...	...	65,811

"(c)—The figures are not available yet. In 1901 all but 9,249 chamars were returned as Hindus or Sikhs. As to chuhars, the classification now adopted is on the lines of the Census, 1901."

(¹) *Vide* Appendix C.

[Mr. Muhammad Shafi; Mr. Fenton.]

The Hon'ble Mr. MUHAMMAD SHAFI asked :—" Will the Government be pleased to state—

- (a) What was the total number of persons residing in the British districts of the Punjab whose spoken language was recorded as Hindi during the previous Census and what is the total number according to this year's Census returns?
- (b) What is the total number recorded as speaking Hindi in the Multan and Rawalpindi divisions in the recent Census returns and what was the corresponding number in the previous Census?
- (c) Whether the attention of Government was called to a paragraph which appeared in the *Tribune* and other Provincial papers stating that a circular letter had been issued by the Arya Pritinidhi Sabha to all members of the Samaj in the Punjab instructing them to have Hindi recorded as their spoken language?"

The Hon'ble Mr. FENTON replied :—

"(a) The number of persons speaking Hindi, Hindustani and Urdu in 1901 was—

Hindi	...	...	13,380
Hindustani	...	...	3,055,976
Urdu	...	...	295,805

Figures for the recent Census are not available yet.

"(b) Figures for 1911 are not available.

"(c) The question of organized attempts to put down Hindi on the one hand and Urdu on the other instead of Punjabi was brought to the notice of Government.

"Under the general instructions efforts were made as far as possible to obtain entries according to facts, but it was not considered expedient to issue any general instructions to correct the entries."

The Hon'ble Mr. MUHAMMAD SHAFI asked :—"Has the Government noticed the complaints which have appeared in a number of the Provincial papers, and more particularly in several issues of the *Daily Paisa Akhbar*, to the effect that in the eastern districts in many instances Hindi was noted as the language of persons who had stated Urdu to be their spoken language; that in other districts Punjabi was similarly recorded in the place of Urdu; that instances had occurred where enumerators had, in accordance with the declarations made, recorded Urdu as the language of the persons concerned but the Halqadars had substituted Punjabi in its place; that instructions are said to have been issued to the enumerators to the effect that the vernacular of the larger parts of the Punjab should be returned as Punjabi?"

The Hon'ble Mr. FENTON replied :—"So far as the complaints received from the eastern districts show that the registration of Urdu as the spoken language of persons who do not speak Urdu has been far more general than the entry of Hindi in case of those who really speak Urdu. So far as the Census Superintendent's inspections showed, the cases of Punjabi being substituted for Urdu against facts must be very rare. The opposite case was largely in evidence in the Central Punjab districts.

"No instructions of the kind alluded to were issued."

[*Mr. Muhammad Shafi; Mr. Fenton.*]

The Hon'ble Mr. MUHAMMAD SHAFI asked :—" That in view of the necessity of the Census returns being in exact accordance with the actual state of things and their obvious unreliability should the above mentioned complaints be well founded, what steps does the Government propose to take with the object of verifying the correctness or otherwise of these complaints ? "

The Hon'ble Mr. FENTON replied :—" The only thing that can be done is to discuss the results when the figures are available. It is not possible to gauge the extent of the misclassification so created until the final tables have been prepared. It is very unfortunate that Sectarian movements should have impaired the reliability of Census statistics at all."

The Hon'ble Mr. MUHAMMAD SHAFI asked :—" Will the Government be pleased to inform the Council of the composition, by religion, of the official as well as clerical establishment, excluding chaprasis and dalties, at the Central Census Office at Lahore ? "

The Hon'ble Mr. FENTON, replied :—" The Superintendent of Census reports—

" There are four central offices—

(1) Karnal; (2) Ludhiana; (3) Lahore; and (4) Multan.

" The establishment is in the course of organization, but the following figures show the composition so far as the present information goes :—

Supervising establishment.

	Deputy Superintendents.		Office clerks.			Inspectors.			Supervisors.		
	Hindus	Muhammadans.	Hindus.	Muhammadans.	Sikhs.	Hindus.	Muhammadans.	Christians.	Hindus.	Muhammadans.	Sikhs.
Karnal	...	1	...	3	...	...	2	...	8	6	2
Ludhiana	...	1	...	2	...	2	1	...	7	3	2
Lahore	...	1	...	2	1	...	2	1	11	11	1
Multan	...	1	Not estimated yet.			2	2	...	8	10	1
Total	2	2	3	6	...	4	7	1	34	30	6

or Hindus 43
 Muhammadans 45
 Sikhs 7
 Christian 1

" As to sorting establishment I have not received intimation of the names of sorters from the outlying centres. But at the Lahore Central Office 76 Hindus, 60 Muhammadans and 10 Sikhs have been engaged so far. More are coming in

[*Mr. Fenton; Mr. Muhammad Shafi; Sardar Partap Singh; President; Mr. Humphreys.*]

Altogether 235 sorters have to be employed at Lahore. The compilation office has not been started yet. The composition of my own office has varied from time to time. At present it is—

	<i>Hindus.</i>	<i>Muhammadans.</i>	<i>Sikhs.</i>	<i>Christians.</i>
Clerks ...	4	5	2	1
Recently left office... ..	...	1	...	2

"Appointments have been made in this Department so far as possible with reference to merit irrespective of distinctions of creed. In the supervising establishment particularly the best men available have been taken from the officials suggested by Deputy Commissioners."

The Hon'ble Mr. MUHAMMAD SHAFI asked a supplementary question:—"As it appears that the Census establishment is variable from time to time, will the Hon'ble the Chief Secretary say if he is in possession of the information as to how many of those hands employed at the head-quarters have been employed within the last fortnight, more particularly after I gave notice of my questions?"

The Hon'ble Mr. FENTON:—"The information is not available."

The Hon'ble Sardar PARTAB SINGH rising to a point of order said:—"Could I ask if the offices of the Ministerial officers of Government are to be controlled in this way, that is, that they should be compelled to employ so many Muhammadans, so many Hindus, etc.?"

"I beg to suggest that Government should make known its policy of apportioning the number of appointments in public service among the different sections of the community. Should Government officials have a free hand in employing suitable persons to post as vacancies occur under them or should they be guided by considerations of caste and creed."

His Honour the PRESIDENT:—"I am afraid this supplementary question does not arise from the Hon'ble Member's question. It is desirable that he should give notice of his intention to ask this question. In any case it would be useless to prepare a statement about the probable distribution of appointments among different communities as Government refuses to have the public service regulated entirely by considerations of caste or creed."

PUNJAB MUNICIPAL BILL.

The Hon'ble Mr. HUMPHREYS:—"I beg to move that the report of the Select Committee on the Bill to make better provision for the administration of municipalities in the Punjab be taken into consideration."

"The large number of amendments which we have received shows the interest which this Bill has aroused and the care with which the Hon'ble Members have studied this measure. It is, therefore, quite unnecessary for me to take up the time of this Council with any details of the Select Committee's recommendations and amendments."

"I, however, wish to observe that in framing this Bill the object kept in view has been to retain the provisions of the existing Act as far as possible only altering them where experience has shown that difficulties existed which needed to be solved and adding such new provisions as experience and progress showed to be advisable, giving the fullest power to Committees to manage their own affairs combined with necessary power of control from without, and also to make use of expedients which have been adopted with success in other provinces and in other Acts."

[*Mr. Humphreys; Khwaja Ahad Shah; Lala Sultan Singh; Mr. Fenton; President.*]

"For the rest the order of sections has been changed to make their sequence more logical and convenient."

The motion was put and agreed to.

The Hon'ble Khwaja AHAD SHAH moved that in clause 3 (b) (ii) the amount of deduction be altered from 10 per cent. to 20 per cent. He spoke in Urdu, a translation of which is as follows :—

"Your Honour: When the expenses to which the owners of buildings are put in these days are considered, the allowance of a deduction of 10 per cent. of the gross annual rent for the cost of repairs and upkeep of the building seems to be too small. It is twenty-four years since it was decided to allow, for the purpose of assessing the income-tax, a deduction of 10 per cent. of the income for repairs of such buildings. But since that time the rates of wages and the prices of building materials have trebled themselves. Moreover, the influence of European civilization and the greater attention paid to the hygienic principles have produced a great change in the method of the repair of buildings and make it more costly. I would, therefore, suggest that a deduction of 20 per cent. should be allowed for the cost of repairs and for all other expenses necessary to maintain the building in a state to command such gross annual rent. Having regard to existing circumstances, it would be only just to allow such a deduction, and I beg to move that the figure '10' in line 1 of this sub-clause should be replaced by the figure '20.'"

The Hon'ble Mr. HUMPHREYS :—"I am afraid I cannot support this amendment. The deductions as they stand appear to be most liberal, and to make them any larger would leave little on which to assess a tax. It is especially necessary to remember that when these deductions were fixed the maximum limit of the rate of taxation had been deleted. This has now been replaced and is little higher than it was before, so if the deductions were any larger it would mean that a house-tax could never bring in a substantial revenue and never replace octroi which is a goal to be looked forward to as one for which we should strive.

"The Hon'ble Member himself in his printed opinion on the Bill admits that for the last 30 years the practice has been to allow 10 per cent. for maintenance in calculating income-tax on house owners and suggests that it should be raised to 30 per cent. and not lowered below 10 per cent. Apparently the Hon'ble Member accordingly was in favour of a sliding scale.

"If you increase the deductions you must raise the rate of the tax.

"I do not think that the deduction proposed in the Bill is unreasonable."

The motion was put to vote and lost.

The Hon'ble Lala SULTAN SINGH moved that in the proviso to clause 12 the words "for reasons affecting the public interest or in compliance with the request of the majority of the electors for the time being" be added after the words "otherwise direct" and that in the same proviso the words "and the total number of appointed members shall not exceed one-half" be added after the words "not exceed one-third."

The Hon'ble Mr. FENTON rising to a point of order said :—"In this amendment two separate questions are raised, one relating to salaried officers, the other to members by appointment. The Council will find it convenient if they are dealt with separately."

His Honour the PRESIDENT :—"Though it might be convenient to take the two parts separately, there is no objection to their being taken together."

The Hon'ble Lala SULTAN SINGH :—"My object in moving this amendment is to get the proportion of elected seats on a Municipal Committee fixed by law under normal conditions. In several committees

[*L. Sultan Singh ; Mr. Shadi Lal ; President ; Mr. Fenton.*]

in the Province the strength of elected members is already one-half or even more of the total number. For instance, Delhi has got half and Lahore has two-thirds, by election. I would prefer if it was possible to restrict the total number of appointed members of all sorts whether salaried officers of Government or not, to one-third, and thus leave the other two-thirds free to be filled in by election. I know there is no restriction in the Bill to prevent this, and Government can, under the rules to be framed, direct that so many seats in a committee be filled by election. What I wish to urge is, that the desire of the Government to encourage the representative element on our local bodies be made clear and manifest in the enactment by providing that the total number of appointed members shall not exceed one-half, which in other words means that ordinarily the other half shall be made up by election. I respectfully submit, Your Honour, that the law for normal conditions be laid down and made clear in the Bill, that exceptions only be dealt with by Government as provided in section 14. When the practice of having half the number of members by election already prevails in certain committees, I see no harm in making this provision general. If the time for recognising this in the present Bill has not arrived, then surely not much progress is being made in local self-government.

" In the case of recent Reform Scheme it was only when the principle of popular representation by election of a fixed number of members in our Councils was admitted that the Indian public opinion became reconciled to it. Similarly I think the popularity of this Bill will depend on our fixing definitely the elected element in our committees.

" Sometimes it may be found difficult to get the right sort of persons to stand for election and there may be abuses of the privilege of election, but in my humble opinion it is not desirable to keep down the number of elected members for these reasons. The Government possess sufficient powers in the Bill to prevent any abuse.

" Provision also exists under section 240 (a) for making rules, which may induce good men to come forward for election and prevent corrupt practices. These rules may be so framed as to raise the qualifications of both the candidates and voters suited to the conditions and requirements of each locality. The rules for prevention of corrupt practices may be made stringent and freely enforced. Provided with all these powers to guard against abuses in election, I respectfully submit, Your Honour, that the time has come when the minimum elected element in our local bodies be clearly laid down in law."

The Hon'ble Mr. SHADI LAL:—" The amendment deals with two matters. The clause provides that the number of salaried officers of Government shall not usually exceed one-third, but the Local Government has power to go beyond that. I understand what my Hon'ble Friend means is, that when the maximum of one-third is going to be exceeded, that must be for reasons affecting public interest. I understand that Your Honour has no objection to accept this provision, as Government has no desire to exceed one third, except for special reasons, *i. e.*, it must be for public interest or in accordance with the wishes of the majority."

His Honour the PRESIDENT:—" That might be introducing the referendum. It would perhaps be more convenient now to deal with the two parts of the amendment separately."

The Hon'ble Mr. FENTON:—" The first amendment is not directed towards reducing the maximum at which the proportion of members who may be salaried officers of Government is fixed. It is rather aimed against the power conferred upon the Local Government of appointing salaried officers in excess of one-third of the strength of the committee. I believe I am right in saying that this power has never been exercised except perhaps in

[*President ; Mr. Shadi Lal ; Mr. Mant ; Lala Sultan Singh ;
Mr. Meredith ; Mr. Fenton.]*

Simla. Under the existing Act it is the Governor-General in Council that is empowered to exercise it. The substitution of the Local Government for the Governor-General in Council is in accordance with the recommendations of the Decentralization Commission. If the Council thinks that the Local Government is not to be trusted to consult the public interests in the exercise of its discretion, unless it is expressly provided in the Act that it shall do so, then I see no harm in the addition of the words proposed by the amendment. But as personally I am not of that opinion I shall vote against the amendment."

His Honour the PRESIDENT:—"I have no objection whatever to the addition of the words 'for reasons affecting public interest, &c.'"

"It was painfully brought home to me last year that it is not possible to obtain the opinion of the majority of electors, for the time being, especially when they are in an excited condition or party spirit runs high among them. Local Government always pays particular attention to representations and memorials made by electors. I or my successors should not be fettered in such matters though Government will only step in when it is absolutely necessary to prevent trouble."

The Hon'ble Mr. SHADI LAL:—"I think this amendment might be amended by deleting the words 'or in compliance with the request of the majority of the electors for the time being.'"

The Hon'ble Mr. MANT:—"On a point of order can such an amendment to an amendment be allowed?"

The Hon'ble Lala SULTAN SINGH:—"I would ask permission to withdraw the latter part of this amendment."

His Honour the PRESIDENT allowed the withdrawal, and the amendment as amended was put to the vote and rejected.

The Council then proceeded to consider the second part of the Hon'ble Lala Sultan Singh's amendment, *viz.*, that in the same proviso the words "and the total number of appointed members shall not exceed one-half" be added after the words "not exceed one-third."

The Hon'ble Mr. MEREDITH said:—"The most appropriate place for this amendment would be under section 14 (c)."

The Hon'ble Mr. FENTON:—"If the second amendment of the Hon'ble Member is adopted a number of committees in the west of the province will become illegally constituted on the day on which the Bill is passed into law, because they consist entirely of appointed members. The present Act admits of committees consisting entirely of appointed members as does also the present Bill, and purely as a matter of drafting the wording of clause 12 would have to be entirely recast should this amendment be adopted, because the clause would then in effect say that a committee may consist wholly of appointed members provided that not more than one-half shall be appointed—a logical absurdity. However dismissing this point of drafting the Hon'ble Member's amendment directly raises the question of election *versus* appointment. By the Hon'ble Member and those who think with him the elective system is assumed to be progressive and the system of appointing members to be retrograde. Let me inform him and the Council generally that there is before Government a mass of evidence to the effect that the elective system in municipalities is anything but popular. This evidence was volunteered from many sources at the time the Council Reform Scheme was under consideration, and the Council will perhaps be disposed to listen while I read a few extracts from the opinions then given.

[Mr. Fenton.]

Rai Bahadur Ganga Ram, C.I.E., (late of Punjab Public Works Department, retired), Patiala.—In municipalities the system of election has signally failed, the right of voting is not exercised according to the dictates of voter's conscience, and all sorts of malpractices are resorted to. I have known cases where most desirable candidates (in point of leading and light) have been defeated by illiterate men, simply because the latter could stoop to all sorts of devices to canvassing in order to secure votes in their favour.

Khan Bahadur Mian Muhammad Shah Din, Barrister-at-Law, Lahore.—In the existing circumstances of the Punjab, I am a strong supporter of the present system of nomination, as I am persuaded to think that this province, though it is advancing with rapid strides, has not yet made sufficient progress in the arts of life to enable its population to exercise the privilege of election with manifest advantage.

It is a well known fact that, under existing conditions, very few men of light and leading present themselves for election to municipal boards, and those who do, almost invariably get defeated by men who are unscrupulous enough to use all kinds of electioneering tricks to gain a victory.

Sheikh Abdul Aziz, B.A., Editor, 'The Observer,' Lahore.—The fact is indisputable that gentlemen of light and leading do not offer themselves as candidates for them. Municipal boards are swamped by men who secure victory by means of the most questionable character, and party cliques and racial factions dominate their deliberations. It is impossible for any improvement to take place in their condition until their constitutions be radically changed.

Chaudhri Hayat Muhammad, Zaildar, and Honorary Magistrate, Wasirabad.—Incompetent members are elected under the present system of election while capable men are defeated. This shows that the people of the province are incapable of electing able persons as their representatives.

Rai Sahib Narayan Das, Judge, Small Cause Court, Lahore.—The changes proposed seem to be intended to remove the evils which are alleged to result from the system of election at present in vogue. The remedy, however, in my humble opinion would seem to be worse than the disease. The only true solution of the difficulty, if it is found to exist, is to boldly declare that the election system based on principles in harmony with the spirit of the laws in force is unsuited to the existing circumstances of the country, and to have resort to a system of nomination such as might result in a better and more satisfactory representation of the people on the municipal and district boards.

Rai Sahib Lala Mohan Lal, Proprietor, Mufid-i-Am Press, and Honorary Magistrate, Lahore.—I am of opinion that the wisest and safest course would be by nomination, as the time has not yet arrived for healthy election to be possible. This is proved in the election of members of district boards and municipalities, where it has been shown that it is impossible by election to secure the right body of men who have the welfare of the country and people thoroughly at heart.

Anjuman Islamia of Batala Sharif, Gurdaspur and Sujampur, district Gurdaspur.—The present system of election of municipal and district boards is undesirable, nor capable and honourable people like thus to compete; the mode of election through municipal and district boards is not considered to suit.

Rai Bahadur Lala Hardian Singh, Delhi.—I very strongly urge that I am quite against the system of election, which has been the cause of many vices, and by which the object in view is not secured. I prefer nomination.

Mian Muhammad Shafi, Barrister-at-Law, Lahore.—Past experience in the case of municipal boards has demonstrated beyond all doubt that the people in this province have not yet fully realised the responsibilities attached to the possession of a vote for electing representatives to the local bodies, and the results so far have been extremely unsatisfactory. I would therefore advocate, for the present, the maintenance of the existing system of nomination of members on the Provincial Council.

"The general conclusions drawn by the Punjab Government from an examination of the opinions on this subject were summed up as follows in placing the case before the Government of India :—

'Extract from paragraph 41 of Punjab Government letter No. 40, dated 6th July 1908.—

It will be observed that the condemnation of elections is based on concrete experience. On the other hand, the advocates of election rarely support their case by either appeals to experience or by arguments. No attempt is made to traverse the allegations of those who assert that the method of election is unsuitable, distasteful to respectable candidates and productive of many abuses. There is nothing but a vague suggestion that the people are ripe for the enjoyment of elective privileges, that representatives so chosen carry the confidence of the people, and that nominated members are apt to be servile and deficient in intellectual ability.

[Mr. Fenton ; Mr. Muhammad Shafi ; Mr. Shadi Lal ; Lala Sultan Singh.]

"I have confined myself to reading the opinions of Indians. It is needless to state that the most experienced European officers have added their testimony as to the evils and abuses which are so frequently found to be attached to the elective system. It is clear that the time has not yet come to abolish the system of appointment of all the members of the committee which prevails in some of the western districts. The Hon'ble Member is probably not acquainted with those districts or he would not have come forward with such a proposal. That he should come forward at all as an opponent of the system of appointment is, I must say, a matter of surprise to me, seeing that it is to that system that he himself owes his own position here in Council. The Hon'ble Member is in fact a conspicuous example of the wise discretion which Government is wont to exercise in making appointments."

The Hon'ble Mr. MUHAMMAD SHAFI :—"I am not prepared to support this amendment, although I agree with my friend in thinking that it is desirable that in the formation of any council or municipal body a certain amount of representation on the elective basis is necessary in order to secure proper representation of the different communities. But my friend wants to lay down a rule irrespective of local conditions which prevail in different municipalities. Just imagine for a moment a painter purchasing small pieces of canvas from different shops, stitching these bits together and then taking up his brush and painting a picture. The appearance of the picture thus painted will be hideous. This is exactly what will happen if a uniform rule is applied irrespective of local conditions. However desirable it may be to introduce the elective system in the Punjab, no hard-and-fast rule as suggested by my friend can be introduced into the statute. A uniform rule will do considerable injury in certain areas the conditions of which are not such as to fit them to receive the elective system such as my friend proposes. The proposal is not only unsuited to the conditions of this province, but it implies a certain amount of want of confidence in the Local Government. Importing a hard-and-fast rule of this nature into our statute might land us in an awkward position in certain parts of the country. This amendment ought not therefore to be accepted."

The Hon'ble Mr. SHADI LAL :—"The expression 'want of confidence' has been twice used in this Council. We have the fullest confidence in the Local Government, and when we propose an amendment it is, according to our humble opinion, to assist Government in the discharge of its duties. In view of what the Hon'ble Mr. Fenton has said as to the logical absurdity to which the clause as it stands will be reduced I feel that I cannot support this amendment."

The Hon'ble Lala SULTAN SINGH :—"I beg to explain that it was not want of confidence in the Local Government that prompted me to propose this amendment. What I want is, that the desire of Government to expand the limits of election in our local bodies be made manifest."

The amendment was then put to vote and lost.

The Hon'ble Mr. SHADI LAL moved that at the end of clause 12 the following proviso be added :—

"Provided that if the Local Government has directed that the elected members shall constitute the whole or any proportion of the committee, it shall not afterwards direct that they shall constitute any smaller proportion thereof except in compliance with the request of a majority of the electors for the time being, or for some reason which the Local Government may deem to affect the public interests."

"I do not know of any reason why this proviso which already exists in the Act has been omitted from the Bill. The proviso does not lay down any hard-and-fast rule, and it applies only to certain municipalities. It is possible

[*Mr. Fenton ; Mr. Shadi Lal.*]

the Local Government may be of opinion that in the case of a certain municipality the proportion of elected members, which has already been reached, should be reduced, and for that purpose the proviso gives ample power to the Local Government. But in ordinary cases the proportion of elected members once reached should not be reduced. No reason has been shown why a provision which has worked well for so many years should be repealed in 1911. The Province has during the last twenty years made rapid progress in education and public spirit, and the popular element in committees should be increased. I propose that the proviso be restored in the Bill."

The Hon'ble Mr. FENTON :—"The Hon'ble Member desires to see proviso (a) of section 5 of the existing Act restored. Its omission from the Bill is no doubt regarded as an insidious bureaucratic attempt to get rid of an inconvenient restriction on the powers of the Local Government in the matter of altering the constitution of municipal committees. I can assure the Hon'ble Member that in this instance at any rate there is no such sinister design. If the Hon'ble Member will study the existing Act he will find that there are several clauses which confer upon the Local Government very wide powers of altering the constitution of municipal committees. These powers are contained in four separate sections, *vis.*, 5, 7, 8 and 9. What the committee, which six years ago prepared the first draft of this Bill, did was to consolidate these scattered provisions in one section. That section now appears as clause 14 of the present Bill. The Hon'ble Member may not be able to find in clause 14 the exact wording of proviso (a) of section 5 of the existing Act. On this point the committee of 1905 reported as follows :—

'It is true that clause 9, which clause consolidates the provisions of sections 5, 7, 8 and 9 of the existing Act, does not in terms refer to the proportion of seats to be held by elected and appointed members respectively, but the power of altering the constitution of committees by increasing and reducing the number of seats tenable by elected and appointed members and of declaring specific seats to be vacant does in effect amount to a power of altering the proportion between the two classes of members.'

"The Hon'ble Member will notice with satisfaction no doubt that the provision as to public interests being affected, and as to the wishes of the majority of the electors, has been inserted in clause 14 of the Bill where it governs action by the Local Government, not only in the cases in which its action is limited by this provision under the existing Act, but also to cases such as those dealt with in sections 8 and 9 of the existing Act in which such limitation on the powers of the Local Government has not heretofore been imposed. I hope that this explanation will satisfy the Hon'ble Member that his amendment has been moved under a misapprehension and that he will withdraw it."

The Hon'ble Mr. SHADI LAL :—"I have no desire to impute motives to the bureaucracy as assumed by the Hon'ble Member. I must say I do not follow the Hon'ble Mr. Fenton's argument. I do not find in the existing clause of the Bill anything which corresponds with the proviso in question. Moreover, the Local Government has full power in the public interests to alter the proportion."

The Hon'ble Mr. FENTON :—"Clause 14 of the Bill empowers the Local Government to alter the proportion of the Committee and provides that such orders shall not be passed except in public interest or at the request of the majority of the electors."

The amendment was put to vote and lost.

The Hon'ble Mr. SHADI LAL moved that at the end of clause 16, sub-clause (i) (b), the words '*and the reason for the disqualification or dismissal is such as implies a defect of character which unfits him to be a member*' be

[*Mr. Muhammad Shafi; Lala Hari Chand; Mr. Fenton; President.*]

added :—" Section 16 lays down that the Local Government can remove a member for various reasons, and one of the reasons assigned there is that the member has been dismissed from public service.

" Now, Sir, dismissal from public service may be due to different causes. In some cases it may be due to moral turpitude, and in such a case it may be necessary to remove the member, but there are various other causes, such as laziness, incompetency for a particular work, disagreement with his official superiors or any other incident which does not cast reflection on character, and these should not unfit a man to serve on any municipal committee. We cannot therefore lay down any hard-and-fast rule. According to sub-clause (a) of clause 16 mere conviction by a criminal court is not a disqualification, unless the conviction is for an offence which implies a defect of character unfitting a man to be a member. Is there any reason why dismissal from service should stand on a higher ground?"

The Hon'ble Mr. MUHAMMAD SHAFI :—" I trust the Hon'ble Member in charge of the Bill will accept this amendment. The word used is ' may ' ; that is to say, it rests with Government to enforce the rule in cases where it considers that this power should be exercised. This addition of the words proposed will make the intention clear to the public as well as to the Members as to the circumstances in which Government will take the step contemplated by this section."

The Hon'ble LALA HARI CHAND :—" I do not find such a provision in any other Municipal Act. Mere dismissal from public service should not justify the removal of a Member ; there must be defect in character. I have known dismissals for absolutely trivial reasons. I therefore support the amendment."

The Hon'ble Mr. FENTON :—" The Hon'ble Member does not usually come forward as the champion of officials, but when an official becomes a dismissed official, his importance is no doubt very considerably enhanced, and his eligibility for a seat on a Municipal Committee must be safeguarded as far as possible. That, I take it, is the object of the Hon'ble Member's amendment. It will be remembered that dismissal from the service of Government is a disqualification for election to a Legislative Council, but that the Lieutenant-Governor may waive the disqualification if he desires to do so. In the present case the wording of the section is not mandatory. It is optional with the Local Government to remove from membership any person falling under any of the disqualification clauses of section 16. Removal is not necessarily inevitable. We are of course dealing with removal of existing members and not with the eligibility of candidates. The qualifications and disqualifications of candidates for elections are dealt with in rules under clause 240, and Government has full power to declare by such rules that dismissed Government servants are ineligible for election. The Hon'ble Member's amendment will not affect this rule-making power. If such a dismissed official by oversight got elected, notwithstanding his disqualification under the rules, he could be removed under clause (g) of section 16 and no amendment of clause (b), such as the Hon'ble Member proposes, would affect the liability to removal under clause (g) of a member of a committee who is an elected member. The elected member therefore will hardly benefit by the Hon'ble Member's amendment, and it is no doubt the elected member whose interests are dear to the Hon'ble MOVER. Clause (b) is mainly intended to meet the case of appointed members including salaried officials of Government, and it is, I think, going rather far to impose any sort of obstacle in the way of Government's removing from a committee a member appointed by itself who has been notified as disqualified for the public service or has been dismissed from such service. I may explain that in a resolution dated 15th June 1895 the Government of India have laid it down that the dismissal, as distinguished from the removal or discharge, of a public servant should always preclude the dismissed officer from

[*Mr. Muhi-ud-Din Shafi; President; Lala Sultan Singh; Mr. Shadi Lal.*]

being re-employed. For these reasons, I oppose the amendment. If it is adopted, it would be necessary to insert the words 'in the opinion of the Local Government' as has been done in clause (a) of the section."

The Hon'ble Mr. MUHAMMAD SHAFI supported that the words 'in the opinion of the Local Government' be added to the amendment. This change was accepted by the Hon'ble Mr. SHADI LAL and was permitted by His Honour.

His Honour the PRESIDENT :—"I agree that there must be a defect in moral character which unfits the person to serve on the committee. The addition of the words 'in the opinion of the Local Government' proposed by Mr. FENTON will, I think, meet the objections of the Hon'ble Members. The Local Government will ordinarily act in the interests of the public service."

The amendment was put to the vote and agreed to.

The Hon'ble Lala SULTAN SINGH moved that in clause 20 (1) the words 'and the Local Government may, by notification, exclude any committee from the operation of this sub-section' be omitted. He said:—"This amendment relates to the omission of a clause in the proviso to sub clause (1) of section 27, which gives power to Local Government to exclude any committee from the right of electing its own President, while in the United Provinces of Agra and Oudh the experiment of electing a President from among the members of a committee is being tried and official Presidents are being replaced by non-official ones. We also in the Punjab should encourage our committees to have a free hand in the election of their Presidents. What I desire is that in the first instance and under normal condition opportunity should be given to the committee to elect their own President. The approval of the Government to the committee's choice is a sufficient safeguard.

"Theoretically under this clause, as it at present stands, there is no bar to a committee having an elected President, but in practice, when an officer of a superior position like the Deputy Commissioner, Sub-Divisional Officer or a Tahsildar is appointed a member of committee by name or by office, then the right of election becomes only nominal.

"There is a section among the Indian community who would altogether like to have a non-official President, at least in the first class municipalities. But under the present state of things, I am not prepared to go so far, and my amendment merely provides that the office of the President shall primarily be filled by election and not by appointment. Therefore, the omission of these words will not cause any radical change; election will be open to both the official and non-official members alike, and Government will have full power to veto the election if any unsuitable person has been elected by the committee. The members in this case will feel more confidence in their elected head, and the enhanced privilege will tend to create a greater sense of responsibility and interest in the members in the discharge of their duties."

The Hon'ble Mr. SHADI LAL :—"This amendment deals with the election of the Chairman. In the first part of the section power is given to a committee to elect its Chairman, then in the proviso it is stated that the Local Government may, by notification, exclude any committee from the operation of the sub-section. It will be seen from this section that the sanction of Government is required before a man can be appointed Chairman. This safeguard is sufficient. The Decentralisation Commission say "we agree in thinking that the Municipal Chairman should usually be an elected non-official." We should not restrict the principle of election as applied to the post of Chairman. I therefore propose that these words be deleted from this section."

[*Mr. Muhammad Shafi; Sardar Partab Singh; Mr. Humphreys; President Colonel Parsons; Lala Sultan Singh.*]

The Hon'ble Mr. MUHAMMAD SHAFI:—"When one analyses the section as it stands at present, it is obvious that from time to time a member of the committee is elected as Chairman, and that he is so appointed if the Local Government approves his selection. It is well known that provisos are included to meet special cases and do not take away from the force of the general rule. There may arise circumstances where in the public interest it may be necessary for the Local Government not to confirm the election of a particular member of the committee as Chairman. And assuming for the sake of argument that when the members are called upon to elect another member they stick to their former recommendation, that would be placing the Local Government in a fix. Such circumstances are conceivable, and it is only under such exceptional circumstances that the proviso empowers Government to exercise its veto. It seems necessary that such power should be vested in Government to meet exceptional cases. I therefore oppose the amendment."

The Hon'ble SARDAR PARTAB SINGH:—"I am of the same opinion as the Hon'ble Mr. SHAFI. If this amendment is accepted, there will be no check on the election of an undesirable member as Chairman. If this clause is retained, committees would be careful in the selection of their Chairman. Action under this section will only be taken when the committees do not act in the right way and then the privilege conferred on them will have to be taken away."

The Hon'ble Mr. HUMPHREYS:—"The words which it is proposed to omit are in the existing Act. The municipalities which have been so excepted are given in the note to section 15 of the Act in Fenton's Manual. In these cases Government appoints the President. In the opinion on the Bill received from Delhi it is noted that when the question was recently under consideration in the Delhi municipality the committee was unanimously of opinion that it is essential that the Deputy Commissioner should continue to be President. None of the other municipalities have objected. The Act has never given rise to any difficulty. It is essential that this power should be retained as it would prove most useful in case of mismanagement."

His Honour the PRESIDENT:—"This provision exists in the present Act and has been found useful. I understand that the underlying object of the Hon'ble LALA SULTAN SINGH is that it would give committees an opportunity of appointing its own President and so make the municipalities self-governing. We all sympathise with the Hon'ble MOVER'S object. I might remind the Hon'ble Members that in this matter the Punjab has been very much in the front of other provinces in India, as in 1884 Sir Charles Aitchison gave very wide latitude to municipalities in the matter of appointing non-official Chairmen. I may therefore explain that in cases where subsequently an official Chairman was appointed in the place of a non-official Chairman, that it was generally due to the request of the municipality itself. So that I rather think that in this respect the retrograde action, if indeed it be retrograde action, was not that of Government but of the municipalities themselves. Speaking for myself, with very few exceptions whenever a non-official is found suitable for the Chairmanship, I shall be glad to see him appointed. But at Delhi, Amritsar, Multan and possibly Lahore Government may find it necessary at various times to exercise their powers under this section and appoint the Deputy Commissioner as Chairman."

The Hon'ble Colonel PARSONS:—"At Amritsar recently on several occasions deputations came to me begging that under the new Bill there should be no provision that would render a non-official member as Chairman of that municipality possible."

The Hon'ble LALA SULTAN SINGH:—"I admit the force of the arguments advanced against my motion. But I ask how long are our municipalities to continue without non-official Chairmen. Government have initiated a higher

[*President ; Khwaja Ahad Shah ; Sardar Partab Singh ; La'a Hari Chand ; Lala Sultan Singh ; Mr. Fenton.*]

standard of self-government and then they have taken away from the municipalities the opportunity of exercising that power. Government must give municipalities the opportunity of training their own Chairmen. In these days when education has advanced members will be found willing to assume the necessary responsibilities, and Government should have power to interfere only when there are abuses."

His Honour the PRESIDENT:—"Government sympathises with the Hon'ble Member's views. The considerations about advanced education and facilities to be given to non-officials in training in self-government are always before Government, and Government would certainly be glad to see their officers, whose burdens are growing daily, relieved of this work. Government will not hesitate to make provision, subject to certain exceptions to facilitate the object the Hon'ble Member has in view."

The motion was put to vote and lost.

The Hon'ble Khwaja AHAD SHAH moved that in clause 33 the word "Secretary" be substituted for "sub-committee." He spoke in Urdu, a translation of which is as follows:—"Your Honour,—A valuable improvement has been made in section 33 by the Select Committee. This section apparently contemplated the delegation to the President, a Vice-President or a sub-committee of ordinary powers to deal with important matters, so that such matters may be settled expeditiously. There can be no doubt that this object will be gained by the delegation of such powers to the President or a Vice-President. But the same difficulty and delay as are now experienced in holding the meetings of a committee and with regard to the quorum will be experienced in the case of sub-committees. It would, therefore, be most appropriate, in my opinion, to substitute the words 'the Secretary' for the words 'a sub-committee' in this section, for the Secretary is not only a responsible executive officer, but also carries on the current executive administration of the municipality."

The Hon'ble Sardar PARTAB SINGH:—"I am strongly against the substitution of the word 'Secretary' for 'sub-committee.' I have had some experience in municipal work. I must say that there is too much power already in hands of the Secretary, and this is not desirable. In the case of a strong Secretary he talks over members and in fact becomes the Secretary and President combined. In the case of contracts abuses creep in, and I am absolutely against giving the Secretary more powers. I am further of opinion that the duties of the Secretary must be defined in Act."

The Hon'ble Lala HARI CHAND:—"It would be very dangerous to give the Secretary this power. In Multan at least we do not want the Secretary to exercise this power. It is best that his power should be in the hands of the sub-committee."

The Hon'ble Lala SULTAN SINGH:—"I think the duties of the Secretary are purely ministerial. I have known Secretaries assume powers which do not belong to their office. It will be dangerous to give them this power."

The Hon'ble Mr. FENTON:—"The Select Committee were very decidedly of opinion that the power to delegate to individual members of the committee the functions of the committee itself, as was proposed in the Bill itself, should not be conferred. It was only logical therefore that the committee should have decided that a power denied to an individual member should also be denied to the Secretary. The point was very fully discussed, and though I have no very strong views on the subject one way or another, I feel bound to support the decision at which the Select Committee arrived. I fancy that the Hon'ble MOVER of this amendment has not realised the difference which exists between statutory and executive functions. There is nothing whatever to prevent the delegation to

[Mr. Humphreys; Khwaja Yusuf Shah; Mr. Fenton; Lala Hari Chand;
Mr. Shadi Lal.]

the Secretary of executive functions. This can be done by bye-law under clause 31, and under the same clause bye-laws may be made to regulate appeals to the committee from the orders of the Secretary in such cases. But if statutory powers are delegated, the act or order of the delegate is legally the act or order of the committee itself, and outsiders affected by such acts or orders have no redress except in those cases in which the Deputy Commissioner, Commissioner or other controlling authority is empowered to interfere by way of appeal or revision. The Hon'ble Member is himself, I understand, a Secretary of a municipal committee; and I can understand, although I do not quite sympathise with his desire to secure a larger measure of authority for Municipal Secretaries. Believing that the decision of the Select Committee is sound, I oppose this amendment."

The amendment was put to vote and lost.

The Hon'ble Mr. HUMPHREYS moved that in clause 33, line 11, the figure "122" be added between the figures "118" and "124". He said:—"The provision regarding cinematographs was introduced in the Bill at the desire of the Government of India, and by an oversight it was not considered in connection with the delegation section 33 in Select Committee. Very often Cinematograph Companies come round to a town and want to open their show at once. It will be certainly a hardship on them if they have to wait for the next meeting of the committee. It is, therefore, proposed to include section 122 among the sections enumerated in section 33 which delegates certain powers and functions of committees to a President, Vice-President or a sub-committee. These are delegated in cases which require prompt action.

"This amendment is merely the rectification of an omission from section 33."

The motion was put to vote and agreed to.

The Hon'ble Khwaja YUSAF SHAH moved that in clause 33, line 13, the figure "180" be added between "176" and "191." He said:—"I beg to bring to the notice of Council that at present large municipalities receive on an average 100 to 200 applications a month for the construction of buildings. The committees do not meet every month. Sometimes they meet once a month or twice in three months. In my opinion power should be given to sub-committee to sanction plans, &c. With this view I propose my amendment."

The Hon'ble Mr. FENTON:—"I think it is desirable that the opinion of the committee itself should be obtained in cases of new buildings. The usual procedure, I understand, is for applications to come in batches and in case of large committees they are sanctioned *en bloc* if the ward member recommends them. The committee not only sanctions, but also rejects applications; if they reject the applications, then there is no appeal to the main body of the committee, but there will be an appeal to the Commissioner. The question is whether the sub-committee, the President or the Vice-President is to be entrusted with powers not only to sanction but also to reject. This is a question for Council to decide. Government is not interested one way or the other."

The Hon'ble Lala HARI CHAND:—"When applications are rejected they cause ill-feelings and when there is no remedy, the party goes to civil court and commences litigation. We had similar experience in Multán, and we decided that every application should come before the committee for confirmation."

The Hon'ble Mr. SHADI LAL:—"I understand that the practice at present is that applications usually go to the sub-committee for report and the final word rests with the whole committee either to grant or reject the application. It is

[*Lala Sultan Singh ; Colonel Parsons ; Khawaja Yusuf Shah ;
Mr. Muhammad Shafi ; Mr. Meredith ; Mr. Humphreys ;
President ; Mr. Shadi Lal .*]

desirable that the final word should be with the committee. It is true the ward member will have a great deal to say about it. I would leave it to the committee to decide such matter."

The Hon'ble Lala SULTAN SINGH :—"In Delhi the ward member makes his recommendation to the sub-committee, and thereafter it goes before the committee where every member has an opportunity of criticising the recommendation of the ward member. It is a healthy check on the building committees, and this power should not be altered."

The Hon'ble Colonel PARSONS :—"I have had experience of three municipalities, Amritsar, Delhi and Lahore. In some cases the President passes the order and in some cases the Vice-President. In Amritsar the ward member absolutely passes the order. I think in Lahore the matter is settled by a sub-committee. In Delhi the practice, I think, is for the two Vice-Presidents to sit together and on occasions separately, and they pass the final order. I do not think the Hon'ble Member need distress himself about this."

The Hon'ble Khwaja YUSAF SHAH :—"My proposal is that this power should be delegated with the sanction of Government. I want to avoid unnecessary delay."

The Hon'ble Mr. MUHAMMAD SHAFI :—"In the first place, this is only an enabling section; it says "may." It is not obligatory. Supposing under certain conditions any municipality finds it difficult to deal with these applications and the circumstances of the case make delegation of these powers necessary to small building committees, the section says it 'may' delegate such powers to them with the sanction of Local Government. I, however, fail to see any justification for the exclusion of section 189 from the number of various sections included in section 33. I do not think that there would be any harm by its being so included. It seems to me that a provision of this kind would be useful to meet exceptional cases."

The Hon'ble Mr. MEREDITH :—"We are now legislating for municipalities throughout the Province. This matter was carefully gone into in the Select Committee, and it was decided that all such applications should come before the general committee for final decision, and that so far as I know is the general practice throughout the Province."

The Hon'ble Mr. HUMPHREYS :—"I have had 3½ years' experience of the Delhi municipality, in which the procedure is that all applications come before the general committee for confirmation, and, so far as I remember, this has not caused any hardship or loss of time. It is a most useful provision, safeguarding the applicant and the public interests against the idiosyncrasies and caprice of individual members, especially where the question of rejection is concerned. I oppose the motion."

His Honour the PRESIDENT :—"As Mr. FENTON has observed, Government is not interested one way or the other as regards this motion. There is a good deal to be said in favour of it. I think the sense of the Council should be taken."

The motion was put to vote and lost.

The Hon'ble Mr. SHADI LAL :—"I move that clause 34 of the Bill be omitted.

"This is a new clause imported from the United Provinces Municipal Act of 1900. As far as I understand result of the working of this section has not yet been known. No strong case has been made out for its incorporation in the Bill. In the Select Committee there was a great deal of difference of opinion and

[Lala Sultan Singh; Mr. Humphreys.]

a bare majority was in favour of it. In the press there has been a great deal of opposition to this clause. The ward committee will practically have all the powers in their hands. In other words, it will be setting up an *imperium in imperio*. I therefore propose that the clause be omitted."

The Hon'ble Lala SULTAN SINGH also moved that clause 34 be omitted or the following proviso be added to sub-clause (1) :—

"Provided that the sub-committee so appointed shall conform to any regulations or restrictions laid down by the general committee and be subject to its control."

He said—"With regard to this section, in the first place I am not convinced that it is necessary to have this at all. The committees can appoint sub-committees, and delegate powers under the preceding clause for each and every necessary purpose. If this clause is, however, retained, the sub-committee so appointed should be amenable to the general control of the committee and to such regulations as may be laid down by the latter for its guidance. If the proviso proposed is not added, then these sub-committees may act independently of the general committee after powers have once been delegated to them. It seems against all principles of constitution that a sub-committee should have a free hand without any check on its action by the general committee of which it forms a part. Let us just suppose that all the powers of the general committee have been given to a ward sub-committee. It is quite conceivable that this sub-committee may frame its own bye-laws which may be at variance with the regulations of the general committee; thus the conditions in that ward will differ from those of the other wards which are under the control of the general committee. For instance, the part of a main road in a ward subject to the general committee may be well-metalled, well-watered and well-lighted, and yet its continuation in the ward independent of it may be katcha, dusty and dark, causing a deal of inconvenience to the residents and presenting a spectacle of a glaring contrast in municipal administration in one and the same town. If I am not mistaken, such conditions have often been noticed and commented upon even in London, where municipal administration is not under the control of one general body, but divided into several parish municipalities, each having independent authority in the matters of lighting, sanitation and other details. On the other hand, there might be difficulties the other way. The ward sub-committee may spend more on objects regarding which the majority of the members of the general committee may hold different views. This might be a source of friction. In my opinion, therefore, such sub-committees with the delegation of all and unrestricted powers of the committee are not needed, and if the Council decides to retain the clause, it should be made compulsory at least in matters of finance that the ward sub-committee shall not act independently but conform to the regulations and restrictions laid down by the general committee and be subject to its control."

The Hon'ble Mr. HUMPHREYS :—"I must say that I do not share the apprehension of the Hon'ble Member as to the ultimate effect of this section. It has been taken from the United Provinces Act where it has been in force for some time. The section is entirely permissive and not obligatory. The committees have first of all to resolve to delegate its powers to a sub-committee and must obtain the previous permission of the Local Government, and as the greater includes the less in deciding to delegate powers of this kind, it will be entirely within the powers of the committee to impose such restrictions as the Hon'ble Lala SULTAN SINGH wishes. I fail to see why any apprehension should arise as to the working of the section as the initiative must come from the committee. It is not a power which would be very widely used. It is more or less an experiment. I therefore oppose the amendment proposed by the Hon'ble Lala SULTAN SINGH. The section should stand as it is."

[*Khawaja Yusuf Shah ; Colonel Parsons ; Mr. Shadi Lal ; Lala Sultan Singh ; Mr. Fenton ; Mr. Douie ; Mr. Meredith ; President .*]

The Hon'ble Khawaja YUSAF SHAH :—" The section is taken from an already existing Act. I entirely agree that it should form a part of this Act. In large municipalities it is desirable that there should be sub-committees, and I do not see any harm in delegating to ward committees certain powers. I am therefore in favour of retaining this section."

The Hon'ble Colonel PARSONS :—" I am certainly opposed to the proposed amendment."

The Hon'ble Mr. SHADI LAL :—" The Hon'ble Mr. HUMPHREYS said that this clause only delegates certain powers to sub-committees. Section 33 also deals with delegation; the ward committee would ordinarily be a sub-committee. Section 34 goes further than that. Mr. HUMPHREYS says it is a sort of experiment. But when you want to introduce fresh matter into an Act, you must show strong reasons for doing so; and I submit that strong reasons have not been made out."

The motion was put to Council and lost.

The proviso moved by the Hon'ble Lala SULTAN SINGH was then put to the vote without further discussion and lost.

The Hon'ble Lala SULTAN SINGH moved that in sub-clause (i) of clause 38 for the words " approved by the Commissioner " the words " subject to the approval of the Commissioner " be substituted. He said :—" Under this clause a committee apparently is expected to exercise its discretion in the matter of selection of its Secretary. The wording as at present may be interpreted that the Commissioner may signify his approval before the question of appointment of a particular person is considered by the committee. If it be so, then this approval will be tantamount to a direction to the committee to appoint that person. What I mean is that the committee should have a free hand in the choice of its Secretary and it may be open to the Commissioner to reject the appointment for specified reasons."

The Hon'ble Mr. FENTON :—" The object of the amendment is to give to committees absolute liberty to select the person who shall be Secretary, subject only to the preliminary assent of the Commissioner to the arrangement of appointing some one who is not a member of the committee. The Decentralization Commission considered that the appointment of Municipal Secretaries should require the sanction of the Local Government in the case of cities and of the Commissioner in the case of smaller municipalities; and they also recommended that the same sanction should be requisite for the alteration of the emoluments of the appointment and for their dismissal as well as for the appointment of the occupant. That is the view which has been formulated after the most recent investigation of the subject, and as the amendment of the Hon'ble Member runs counter to that view, I propose to vote against it."

The Hon'ble Mr. DOUIE :—" It might mean that a person had first of all to be approved by the Commissioner. Then again if the committee want to appoint a particular person, that it would have to ask for the Commissioner's approval. The difficulty would be met by the words ' whose appointment would be subject to the approval of the Commissioner '."

Th Hon'ble Mr. MEREDITH :—" if the committee wants to appoint any person not a member of the committee, the sanction of the Commissioner is necessary."

His Honour the PRESIDENT :—" I think that the idea is that the committee would first have to write to the Commissioner, and the Commissioner might suggest the name of so-and-so, and that recommendation would go to the committee, and the committee would feel difficulty in rejecting the Commissioner's recommendation."

[*Mr. Muhammad Shafi ; Mr. Currie ; Sir Arthur Ker ; Mr. Humphreys.*]

The Hon'ble Mr. MUHAMMAD SHAFI :—" What my friend wants is the subsequent sanction by the Commissioner instead of previous approval."

The motion was put to vote and lost.

The Council adjourned at 1-50 P.M. and re-assembled at 2-45 P.M.

(After the interval for lunch.)

The Hon'ble Mr. CURRIE moved that clause 39 be amended to read as follows :—

(a) " (1) Subject to provisions of this Act and the rules and bye-laws made thereunder, a committee may employ such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such pay as it may think fit, and may remove or dismiss any officer or servant so appointed.

" (2) Every committee of the 1st class shall from time to time appoint an Auditor, Engineer, Health Officer and Legal Adviser approved by the Commissioner, and may, with the previous sanction of the Commissioner, assign to them such pay as it may think fit."

and withdrew the third part of the amendment which stood in his name.

He said :—" My reasons for bringing forward this amendment to the consciousness I have of the necessity there is to strengthen the executive of all 1st class municipalities. The stronger you make the executive the more efficient becomes the municipal government, and where the municipalities in the past have suffered it has been mainly through the weakness of the executive.

" The tendency of municipal corporations and committees is to delegate its duties to sub-committees as a rule, and I would from the experience I have had of municipal government prefer a strong executive not necessarily an expensive one composed of an Auditor, an Engineer, a Health Officer and a Legal Adviser. Where you have a strong executive of this kind, you get the funds of the municipality administered in a sensible and reasonable way, and of all the officers I have mentioned, I think the Auditor is probably the most necessary of all. The Auditor under the duties prescribed to him would be the right hand of the President, and when a non-official President comes, as no doubt he will come, Your Honour has expressed a wish that he should come soon ; then he should have a fair chance, he must have a strong executive to carry out the orders of the committee. For these I move the amendment standing in my name to clause 39 of this Bill.

" I will here explain that since I sent in these amendments, I learn that in 1st class municipalities the hill municipalities were included. I was under the impression that Lahore, Delhi, Amritsar and Multán were only 1st class municipalities."

The Hon'ble Sir ARTHUR KER said :—" With reference to the amendment proposed by the Hon'ble Mr. Currie to clause 39, I should like to say that it is advisable that municipal accounts should not only be kept as far as possible in a uniform way, but they should undergo a complete and thorough audit. The committee of a 1st class municipality are likely to only appoint competent auditors. I would suggest, however, that when possible a chartered Accountant should be employed or that a Government Examiner should approve of the accounts."

The Hon'ble Mr. HUMPHREYS :—" Section 39—(1) reproduces *verbatim* the existing clause in the Bill. It is desired to add two sub-clauses, the first of which (2) makes it necessary for 1st class municipalities to have

[*Mr. Humphreys ; The President ;*]

an Auditor, Engineer, Health Officer and Legal Adviser on their staff. The case of the Auditor which is dealt with in more detail in the second sub-clause proposed (3) may be taken separately. Generally, I entirely fail to see why it should be prescribed by law that such officials should be entertained by 1st class municipalities. They are not essential to the legal scheme of constitution of committees, and I am not aware that the absence of these statutory provisions has in the past given rise to difficulties. It is manifestly advisable that the law should so far as may be possible deal with generalities only and give committees as free a hand as possible to deal with details by bye-law according to local needs. Clause 31 (b) permits committees to make bye-laws to regulate the appointment, duties, executive powers, leave, suspensions and removal of its officers and servants. Moreover, all municipalities now according to their means maintain as efficient an accounts department as possible. It is an essential requirement of audit that it should be done by an outside and independent authority. It is unnecessary to substantiate this in any detail. It is an axiom. I need only refer to the provisions of the Companies Act regarding the audit of companies' accounts and to the Accountant-General's Department, which is an outside authority, including the existing system of auditing local funds. As all the Hon'ble Members may not be aware what the existing arrangements for auditing municipal accounts are I may explain that a staff of trained auditors is maintained in the Accountant-General's Office under the immediate supervision of an officer styled the Examiner of Local Fund Accounts, who travel round the province and periodically examine and audit the accounts of all municipalities as well as those of other local bodies. This audit is of the most detailed and exhaustive nature. An audit by the committees' own servants would cease to be effective through its own inherent weakness. Moreover, a whole-time Auditor would not appear to be required even in the largest municipality. He would be an Accountant in reality,—an official which already exists in all large municipalities.

His Honour the PRESIDENT:—"After what the Hon'ble Mr. Humphreys has explained I will only say that at present the municipal and local funds accounts are audited by an independent staff who are paid for the work by the municipalities. I think the municipalities rise very considerably under the remarks made by an independent Auditor. If the municipality had to engage an Auditor of their own, he would have to be a highly paid person for whom the municipality will not have enough of work to engage his whole time.

"As regards Engineers, I am glad to say that the difficulties experienced in the past for securing the services of competent Engineers for municipalities has been overcome to a great extent at Delhi, Lahore and Amritsar. We have now three highly competent gentlemen whose services are highly thought of both by municipalities and Government. We also have available another gentleman fully competent, come out from England in connection with irrigation. He has had experience in sanitary works at home. I do not think there is any difficulty in securing competent Engineers for municipalities.

"As regards Health Officers, the Local Government attaches greater importance to this matter than most municipalities do. At Lahore we have an Indian gentleman with English training and the D. P. H. diploma. We have also another with similar qualification at Amritsar. Both these gentlemen are paid by the Local Government, that is to say, the Local Government makes grants to the amount of their salary. A similar offer was made to the Delhi municipality, but they did not see their way to accepting the offer.

"I am very glad Mr. Currie has put these amendments before the Council as it gives us an opportunity of explaining to him and others how the cases as to these very useful municipal servants stand."

[*Mr. Currie ; President ; Mr. Fenton ; Khwaja Yusuf Shah.*]

The Hon'ble Mr. CURRIE :—" I am quite satisfied with the explanations offered and beg to withdraw my amendment."

The Hon'ble Mr. CURRIE moved that clause 40 be amended to read as follows :—" A Government official who has been continuously employed by a committee from the commencement of the Punjab Municipal Act, 1884, and who is in the employment of the committee at the commencement of this Act, shall not be dismissed from that employment without the sanction of the Local Government, nor shall, except as provided for in section 41 of this Act, an officer of the municipality whose monthly emoluments exceed Rs. 200 be dismissed at any time from office except on the vote of not less than two-thirds of the members at a meeting of the committee especially convened."

He said :—" My object in moving this amendment is to secure to municipal employes of the upper class the security of continuous office. It will be seen that it is now proposed to leave it to the committees convened at a special general meeting, to remove all its officers and servants. I find that it is provided in clause 27 that a special general meeting can be constituted on one-half of the number of the committee actually serving at the time, but if not less than three are present. But then there is also a proviso, which provides that if at any ordinary or special meeting a quorum is not present, the Chairman can adjourn the meeting to such a day as he may think fit and at their subsequent meeting transact the business which had been before the original meeting, whether there is a quorum present thereat or not. The question of the retention of the officers' services would therefore be decided at a general meeting with only three members present. It may therefore be possible for very competent servants' services to be dispensed with on catch vote. It is therefore to secure the servants of the municipalities some security in the tenure of their appointments that I propose this amendment."

The Hon'ble Mr. FENTON :—" Most of the members will realise that it is necessary to safeguard the interests of highly paid officials from the result of catch votes recorded at meetings hastily convened. Personally I am fully in sympathy with the object of the Hon'ble MOVER, but I do not like the particular method in which he proposes to achieve that object. It is an anomaly to have a special quorum for a special meeting, and it is also an anomaly that at this special meeting the special quorum to vote for dismissal should consist of two-thirds of the committee. As the amendment is worded, that is what it means. I think the object could be secured in another way. The Decentralization Commission proposed that in such cases servants whose pay is Rs. 200 and above should not be dismissed without the sanction of the Local Government in the case of 1st class municipalities and without the sanction of the Commissioner in other cases. I believe that it is desirable that some such limitation should be introduced in our Act. It might more conveniently come after section 39 than after 40. I propose that at the end of section 39 the following be added :—

"Provided that an officer of the municipality whose monthly emolument exceeds Rs. 200 shall not be dismissed at any time, nor his emolument be reduced without the sanction of the Local Government in the case of a first class municipality and of the Commissioner in the second class municipality."

The Hon'ble Mr. CURRIE withdrew his amendment, and the amendment proposed by the Hon'ble Mr. FENTON stood for vote.

The Hon'ble Khwaja YUSAF SHAH :—" I am not in favour of this motion. So far, we have the power of dismissing a municipal employe and instead of going forward we are now suggesting a backward policy."

[*Mr. Shadi Lal ; Mr. Fenton ; President ; Lala Sultan Singh.*]

The Hon'ble Mr. SHADI LAL :—" I beg to enquire whether the Hon'ble Mr. FENTON'S amendment is in order. We have finished with section 39 and we are now dealing with section 40."

The Hon'ble Mr. FENTON :—" An amendment to an amendment can be moved at any stage. I am in order."

His Honour the PRESIDENT :—" The question is one of importance and I think there should be a full discussion on the point. I suspend the rule and allow this amendment to be discussed under rule 15."

His Honour then put the amendment to the Council and declared that voting was equal, *viz.*, 10 for, 10 against.

He then proposed a division list to enable Members to record their votes in accordance with the custom prevailing in the Imperial Council.

The Council divided.

Ayes—11.

The Hon'ble Malik MUBARAZ KHAN.
The Hon'ble Mr. HUMPHREYS.
The Hon'ble Mr. FENTON.
The Hon'ble Sayad MAHDI SHAH.
The Hon'ble Mr. CURRIE.
The Hon'ble Mr. GORDON.
The Hon'ble Mr. BURT.
The Hon'ble Sardar PARTAP SINGH.
The Hon'ble Sir ARTHUR KER.
The Hon'ble Mr. TOLLINTON.
The Hon'ble Mr. MANT.

Noes—12.

The Hon'ble Mr. GODLEY.
The Hon'ble Mr. DOUIE.
The Hon'ble Seth ADAMJI MAMOOJI.
The Hon'ble Khwaja YUSAF SHAH.
The Hon'ble Khwaja AHAD SHAH.
The Hon'ble Lala HARI CHAND.
The Hon'ble Mr. SHADI LAL.
The Hon'ble Mr. MEREDITH.
The Hon'ble Nawab BAHRAM KHAN.
The Hon'ble Mr. MUHAMMAD SHAFI.
The Hon'ble Lala SULTAN SINGH.
The Hon'ble Colonel PARSONS.

The amendment was therefore rejected.

The Hon'ble Lala SULTAN SINGH moved that clause 41 be omitted, or that its application be restricted to the municipalities of the second class. He said :—" In making this amendment also, I am actuated by the same desire as in the foregoing amendments, which is to infuse and develop a sense of responsibility and self-reliance among the members and to prove to them that Government is as keen as they themselves could be in training them for local self-government. Unless powers are given, no one can learn how to use them, just as a swimmer can never learn how to swim unless he is allowed to go into water ; even few mistakes would be welcome, since it would teach him how to avoid these ; now as to the particular amendment in question, I should like to know what necessity has given rise to this clause when in the existing Act there is no clause similar to it. The Deputy Commissioner and Commissioner already possess powers to veto any resolution or act of the committee which apparently includes the appointment of its officers and servants. It appears to me that this clause implies an unnecessary slur on the ability of the municipal committees to choose proper employes and to form an opinion about their work. I think the Government should take the committees, particularly those of the first class, which are considered more advanced in their confidence by interfering as little as possible in their internal administration. On one side, we are going to delegate more powers to officers and sub-committees and thus create in them a greater sense of responsibility, and on the other side it is contemplated to put restrictions even in such small matters as the choice of the appointment of their ordinary servants. To my mind this decidedly lowers the prestige of the committees and it crushes out all initiative in them. As regards powers of Government for prevention of corruption and extravagance, I do not object, but on the other hand I recognise Government should have ample powers to watch the working of committees."

[*Mr. Shadi Lal ; Khwaja Yusuf Shah ; Seth Adamji Mamooji ; Mr. Humphreys ; President.*]

The Hon'ble Mr. SHADI LAL :—" This clause provides that the Commissioner or the Deputy Commissioner may dictate to a committee to dismiss an employé, if in their opinion he is unfit for his employment, and this opinion the committee is bound to accept. I do not find any similar provision in any other Municipal Act. I only find something similar to this in the District Boards Act. I submit that a provision in the District Boards Act cannot be cited as an authority for introducing it in the Municipal Act. When in 1884 the first Punjab Municipal Bill was framed there was a similar provision in that Bill. In the Select Committee that clause was purposely left out. We have no provision of this kind in any of the Municipal Acts passed since then. For the last 27 years therefore we have had a municipal government in this Province without such provision, and no difficulty has been experienced. In the year of grace 1911 it is proposed that we should go back and say that we have no confidence in our municipalities, and that they cannot be trusted to employ capable men or keep under control their employés, and that therefore it is necessary that the Commissioner or Deputy Commissioner should come forward and say the employé engaged by the municipality was unfit in his opinion and that he should therefore be dismissed. This seems to me really a retrograde measure. We want to go forward, and here you want us to go backward. In the proposals of the Decentralization Committee no recommendation of this kind is found ; on the contrary, various sentences go to show that in matters of this kind they recommend the reposing of confidence in the committees. I submit that this clause should be deleted."

The Hon'ble Khwaja YUSAF SHAH :—" My experience of municipalities has been a very long one, and I regret to tell the Council that it has often been the case that an incompetent employé is brought in by the influence of his friends in the committee and in such cases such employés generally belong to a community which preponderates in the municipality. This has been my sad experience. I think we must not be afraid to have this clause in this Bill. Let it stand here, and let the committee prove by their deeds that this section is a dead letter. When the local self-government was introduced in 1884 I think Sir Charles Aitchison, then Lieutenant-Governor, intended introducing such a provision in the Bill."

The Hon'ble Seth ADAMJI MAMOOJI :—" I think that this is a useful clause, and that it must be retained as it stands."

The Hon'ble Mr. HUMPHREYS :—" The amendment proposed here appears to be another instance of mistrust in Government's intentions. It only confers a power in the case of municipalities which has already been in existence in the case of district boards for many years, and I am aware of no instance in which such power has been abused. There are no grounds for supposing that it would be abused in the case of municipalities. It is hedged about by ample safeguards. If this power did not exist, it might in case of recalcitrancy be necessary to take the extreme step of superseding a municipality which naturally it would be most undesirable to take. The very existence of the power will ensure that it will be used only on the rarest occasion and only as a last resort."

His Honour the PRESIDENT :—" I fully sympathise with the wishes of the Hon'ble Members that there should be greater extension of local self-government, but hitherto the system of control from within has prevailed, in which in order to avoid friction in the working of municipal government a certain number of members are appointed by Government as members of the committee. In England the power of the Local Government Board in such matter is very wide indeed. If the powers of the committees are to be extended, as some Hon'ble Members desire and as is the wish of Government, the control of the Local Government over the committees is, I think, necessary in such matters as this."

[*Mr. Shadi Lal; Lala Sultan Singh; Mr. Meredith; Mr. Fenton; Colonel Parsons; Mr. Tollinton.*]

The motion was then put to vote and lost.

The Hon'ble Mr. SHADI LAL:—"I beg to move that clause 42 be omitted. The principle underlying this amendment is that greater power should be given to municipal committees over their finances, and that such matters as the number and remuneration of the employes should be left to the municipal committees to decide. I again submit that there is no need for outside control. It is true as remarked by Your Honour that the Local Government Board in England has very wide power of control. But the Local Boards in England exercise extensive powers in matters of internal administration. We have not yet got the extensive powers. If powers are given, I would welcome control. Here no powers are given, and yet outside control is imposed."

The Hon'ble Lala SULTAN SINGH:—"I fully endorse my friend's remarks. I fail to see that any extensive powers have been given in the Bill. If powers were given, we would welcome control."

The Hon'ble Mr. MEREDITH:—"This section 42 is simply a reproduction of section 32 of the former Act. In this case there is no evasion at all."

The Hon'ble Mr. FENTON:—"Clause 42 is not new. It has been in operation for 26 years. That is to say, for 26 years Commissioners have exercised a watchful supervision over municipal committees with a view to check the particular form of extravagance to which municipal committees are specially prone—extravagance in establishments. Members of committees are exposed to solicitations for increased salaries from their own employes and for new posts and appointments from their friends, relatives and acquaintances. To such pressure even the most hard-hearted often yield in the end. Some such provision of law therefore as that contained in section 32 of the existing Act and clause 42 of this Bill is required to stiffen the backs of members against importunity and to protect the committee's purse against exploitation by an army of municipal officials. How can any Commissioner enforce a mandate to spend more money on education, sanitation or medical relief if the committees are to have full liberty to entertain overgrown, overpaid and unnecessary establishments? It is to be noted that an appeal to the Local Government is given against any order passed by a Commissioner under this section, so that in every case it is possible to obtain the order of the Local Government on the question of extravagance. Assuming as I do, and as the Hon'ble Mover apparently does not, that the Local Government can be trusted to deal with such questions in a just and politic manner, I oppose this motion."

The Hon'ble Colonel PARSONS:—"So far as my personal experience at Delhi goes, we had to overhaul the municipal establishment there and get rid of infirm and incompetent employes. I came across the other day a bundle of papers relating to similar action taken at Amritsar. It is necessary that some such action should be taken periodically."

The Hon'ble Mr. TOLLINTON:—"The Hon'ble MOVER appears to forget that we are not merely legislating for large municipalities like Delhi, Amritsar or Lahore, but this Bill is applicable to many outlying municipalities of small importance and far from head-quarters. It appears to me quite wrong to give vast powers to municipal committees simply to teach them how to use those powers. As soon as people are educated up to municipal government, then we should give them more powers. The Hon'ble Lala SULTAN SINGH suggests that we cannot teach them how to swim if we do not let them go into

[*Khawaja Ahad Shah; Mr. Muhammad Shafi.*]

the water. I think what he wants is to throw them into deep water before they can swim."

The motion was put to vote and lost.

The Hon'ble Khawaja AHAD SHAH, speaking in Urdu, moved—

- (1) that in sub-clause (c) of clause 52 (2) the words "schools" in two places and "for the promotion of education or" be omitted;
- (2) that in sub-clause (d) of clause 52 (2) the words "education or" be omitted;
- (3) that sub-clause (e) of clause 52 (2) be omitted.

He said:—"Your Honour, sub-clauses (c), (d), (e) of clause (2) of section 52 make it binding on committees to set apart a portion of the municipal fund for expenditure on the construction, establishment and maintenance of schools and other institutions for the promotion of education, on the training of teachers, and the establishment of scholarships and on grants-in-aid to schools. But I am against ever giving such powers to the committee, for the municipal fund should, as a matter of principle, be spent on those things which naturally and directly conduce to the comfort and convenience of the public and which the inhabitants of the municipality cannot individually provide for themselves without the help of the committee. Sanitation, conservancy, the lighting of roads and streets, the construction and repair of roads, &c., are things which are indispensable for the welfare and convenience of the people. But education is not such a thing as the people could not provide for themselves. In these days in particular, when the eagerness for acquiring education is daily on the increase, when individuals can afford the expenses of education and derive personal benefit therefrom, there is no need of spending the municipal fund on an item like this.

"Your Honour, I can say from my own experience that if it be proposed to meet the expenses of education by means of the municipal taxes or to promote education by increasing the taxes, such a proposal will never be popular. So far from the people being in favour of an increase in the municipal taxes, that is, of the municipal fund, there is a general desire that the burden of municipal taxation should be reduced.

"Your Honour, when the municipal taxes are levied on the generality of the inhabitants, justice demands that they should not be spent on particular individuals or particular classes of individuals, and that the burden of education should not be thrown on the municipal fund. I, therefore, beg to move that the words 'schools' and 'of education or' should be omitted from the sub-clause (c), the word 'schools' from sub-clause (d), and the sub-clause (e) should be omitted altogether.

The Hon'ble Mr. MUHAMMAD SHAFI:—"I confess that I am not surprised at the Hon'ble Khawaja AHAD SHAH's amendment. My Hon'ble Friend's views on education are well-known and indeed very peculiar. His main argument is that education should be left to private efforts, and therefore a call on municipal fund is unwarranted. This argument comes ill from the lips of the Hon'ble MOVER, for elsewhere when educational movements are started by private efforts, he has equally set himself up in opposition. I am surprised that an Hon'ble Member in this gentleman's position representing as he does an electorate gives utterance to such amendments in this Council and supports them by reasons utterly inconsistent with his conduct outside the Council Chamber. He cannot expect me to support this amendment, and I do not think that any other reasonable person will be found to support it."

[*Mr. Shadi Lal ; Khwaja Ahad Shah ; Mr. Humphreys.*]

The Hon'ble Mr. SHADI LAL :—The Hon'ble MOVER has not put forward any strong reasons in support of his amendment, and it must be rejected. Every one is agreed that part of the municipal funds must be expended on education. The Decentralization Commission has recommended it, and it is done so in every civilised country, and I am sure this Government is of the same opinion. The Hon'ble MOVER is unique in holding a contrary opinion."

The motions were put and lost.

The Hon'ble Khwaja AHAD SHAH moved that the two provisos to clause 61 (B) (a) be omitted. He spoke in Urdu, a translation of which is as follows :—" Your Honour, under the first proviso to section 61 (B) (a), both a tax on buildings and a tax on lands may be imposed in the municipality of Simla. But this is highly objectionable, for buildings do include lands. One fails to understand how the lands can be taken as separate from the buildings at the time of assessing the ground-tax, when they have already been taken as part of the buildings at the time of assessing the house-tax. It is true that this illogical system has long been in force in the Simla municipality even in the absence of this proviso, but apparently the fact that such a thing is done in Simla is no cogent reason for the insertion of this proviso in the Bill.

"If both the provisos to this sub-clause be omitted, then, Your Honour, the income of the Simla municipality from ground-tax will no doubt suffer to the amount of Rs. 27,500. But as the maximum limit of the house-tax in the case of hill municipalities has been raised by the Select Committee from 10 to 12½ per cent., the Simla Committee can make up the loss by raising the rate of the house-tax and at the same time free itself from the blame of imposing an unjust and unjustifiable ground-tax. I, therefore, beg to move that the provisos to section 61 (B) (a) be omitted."

The Hon'ble Mr. HUMPHREYS :—" This merely continues the existing law which has been in force in Simla since 1883,—*vide* sections 208 and 209 of the existing Act. The Hon'ble Member admits that expenditure is greater in Simla than in other municipalities and suggests a visitors' tax instead. Apparently the Hon'ble Member's idea is to throw the weight of the tax altogether on the visitors and off the house-owner. In this connection I would refer to the amendment which has been added as explanation II to the definition of 'annual value,' where it is expressly laid down that *quid* annual rent it shall not include any tax payable by the owner in respect of which the owner and tenant have agreed that it shall be paid by the tenant. This explanation impliedly recognizes that an owner may contract with an occupier for the payment of taxes by the latter.

"The second proviso is of wider application than to Simla, *e.g.*, in Delhi and probably in many other places also. It seems to be an equitable provision, for the tenant is really an owner subject to a payment in the nature of a nominal quit rent, and in such cases it is manifestly more equitable that the permanent tenant should be responsible for the tax than the head landlord who receives little or no benefit for his few remaining rights."

The amendment was put to vote and rejected.

The Hon'ble Khwaja AHAD SHAH moved that in clause 121 the word "dyeing-house" be omitted. He spoke in Urdu, a translation of which is as follows :—" Your Honour, the word 'dyeing-house' should be omitted from this section. Those who professionally use a dyeing-house are called 'Rangrez' in this Province, and in these days the dyes employed by those who follow this occupation are of European manufacture, which are neither dangerous.

[*Mr. Fenton ; Mr. Shadi Lal ; Mr. Humphreys ; Mr. Muhammad Shafi ; Colonel Parsons ; President.*]

nor offensive. Formerly these people used for purposes of dyeing the bark and fruits of trees, &c., which gave an offensive odour owing to putrefaction. But the variegated dyes of European manufacture which emit no evil smell have ousted the Indian dyes, as is evidenced by every-day observation."

The Hon'ble Mr. FENTON :—" I confess that I am ignorant of the conditions which qualify dyeing-houses for inclusion in the list of offensive trades. The question was discussed by the Members of the Select Committee, and in consequence of an explanation given by one of them—I forget which—the Committee decided to allow the retention of 'dyeing-houses' in this section. It has been so included ever since the Act of 1884 came into force. Doubtless some Member who has knowledge of the subject will enlighten the Council as to the reasons for retention. Meanwhile I shall vote for allowing the law to remain unchanged."

The motion was put and lost.

The Hon'ble Mr. SHADI LAL :—" I beg to move that the following words be omitted from sub-clauses (1) and (2) respectively of clause 122 :—

- (1) 'and no dramatic performances or pantomime' ;
- (2) 'or if any person takes part in any dramatic performance or pantomime.'

I have nothing to say against the sub-clauses in so far as they deal with cinematograph performances, because in their cases there is a danger of buildings catching fire, but no such danger is manifest in the case of buildings used for dramatic performance. If this clause is carried, it would stop dramatic performances given in our schools and colleges. This is a new provision. It was not in the Bill. It was put in at the last meeting of the Select Committee. I do not see any necessity for these words."

The Hon'ble Mr. HUMPHREYS :—" I do not see why these words should be omitted. It is equally important in the case of dramatic performances that the premises should be suitable, and that the committee should have power to take steps to ensure that proper arrangements are made in such cases for the prevention and extinction of outbreaks of fire and for proper means of egress being provided. It has nothing to do with the character of the performance which is regulated by the Dramatic Performances Act, XIX of 1876.

"As regards the second part of the amendment, if an act is illegal for the owner of the premises, it must be equally illegal for the persons who use the premises illegally. If this provision were deleted, all sorts of technical objections might be raised in order to defeat or evade the law and render the provisions of the sections which are entirely salutary and meant for the safety and comfort of the people of no effect."

The Hon'ble Mr. MUHAMMAD SHAFI :—" The words as they now stand to include every kind of dramatic performances."

The Hon'ble Mr. HUMPHREYS :—" The wording of the clause was based on the English Act."

The Hon'ble Colonel PARSONS :—" According to the phraseology as it now stands a performance of the kind we had the other day at the Montgomery Hall would require a license. It would I think be inconvenient to comply with this rule."

His Honour the PRESIDENT :—" I often feel very nervous indeed when I attend public performances in this country as the ideas of the public safety are very rudimentary. I believe the performances given by the Government College

[*Lala Sultan Singh; Mr. Shadi Lal; Lala Hari Chand; Mr. Muhammad Shafi.*]

are generally held outside the building. We have constant instances of accidents. I think the addition of the word 'public' before the word 'dramatic' in clauses (1) and (2) would meet the case."

The amendment proposed by the President was accepted by the Hon'ble MOVER and was put to the Council and carried.

The Hon'ble Lala SULTAN SINGH moved that clause 124 be omitted. He said:—"I think the controlling of use of steam whistles is not required in the present condition of our principal towns. The nuisance from factories is not great, and this would unnecessarily hamper them. The worst offenders in this respect are the Railways, whose station or engine yards lie in close proximity to thickly-populated areas. The nuisance, for instance, in the city of Delhi from railway engine whistles is sometimes unbearable, and I should like to know if we shall be competent to apply this to the Railways; and I should be glad to have this clause if it could be applied to Railways, otherwise for the factories alone I do not consider it is required".

The Hon'ble Mr. SHADI LAL also moved that clause 124 be omitted. He said:—"I think we should legislate only if the nuisance is very great. No doubt such a clause is found in the Bombay City Municipal Act. But the circumstances of Bombay are quite different. In any other Municipal Act I do not find such a clause. There is no necessity of hampering our factories unnecessarily."

The Hon'ble Lala HARI CHAND:—"Your Honour, the clause is borrowed from the Bombay City Municipal Act, 1888. I doubt, however, if such a clause exists in any other Municipal Act. There may be a necessity of regulating the use of steam whistle and trumpet in the Bombay City, where there are more than one hundred factories and the town is thickly populated. But I do not think there is any such need in Gojra, Sāngla, Hāfizabad and similar other places. The clause as it stands will apply to any municipality.

"Your Honour, labourers and workmen do not stay in the factories. They only attend when they are summoned from the neighbouring villages by steam whistle. They do not carry about them any clock or watch and have no means of knowing the time for attendance. The clause will, therefore, interfere with the attendance of operatives and cause loss to factories. It is not, I submit, right to leave factory owners at the mercy of the municipal committee, which often consists of many members without any experience of factory management. As Your Honour and many Members of the Council are aware, there are many factories in the Chenab and Jhelum colonies, which have been started by persons not resident in these places, and who have no representatives on the municipal committees. By the introduction of this clause these factory-owners will be largely dependent on these committees and always in apprehension of either not getting permission to use steam whistles for summoning their workmen or of its being revoked at the pleasure of the municipal committee. There is no reason to introduce such uncertainties in the situation. If it is wanted to avoid a nuisance caused by the continued and offensive noise by the use of steam whistles, I submit that the committee can, under clause 121, withhold the license. I should therefore ask the Council to omit the clause altogether."

The Hon'ble Mr. MUHAMMAD SHAFI:—"As my Hon'ble Friend has just remarked, factories are springing up in this Province by leaps and bounds. Unfortunately, however, there is a tendency to locate these factories in the heart of a town near mohallas, right in the middle of residences of people. In such cases my Hon'ble Friend will admit that they are a nuisance. This provision is intended to control such nuisances. The circumstances which necessitated the inclusion of a provision in the Bombay Act exist here also. This is

[*Mr. Dowie; Lala Sultan Singh; Mr. Mant; Mr. Fenton; President; Lala Hari Chand.*]

a very salutary measure, and I am of opinion that it should be retained in the Bill."

The Hon'ble Mr. DOUIE :—" If we add a preamble to this clause as in section 142 as follows : ' In any municipality to which this section may be extended by the Local Government,' that would I think safeguard petty interference in small municipalities."

The Hon'ble Lala SULTAN SINGH :—" As regards the erection of factories near or in mohallas, that I think could be regulated by building bye-laws."

The Hon'ble Mr. MANT :—" In order to stop the whistle, stop the factories altogether. That is what is suggested. Personally I think the early morning whistle is a nuisance."

The Hon'ble Mr. FENTON :—" The Factory Act was opposed by the Indian owners of factories. They were subject to no regulated control such as is in force in the West. In England throughout the country it is necessary for factory owners to get the special sanction of the local sanitary authority to the use of steam whistles, and sanction is liable to be revoked at a month's notice. Not only so. A private person can apply to the Local Board to get the sanction revoked. In England there is considerable solicitude for a peaceful night. The mere fact that factories have not yet generally sprung up in the Punjab should not restrain us from taking measures in this direction. If we take measures now there will be no hardship felt by the factory owners of the future. They will know in advance that there is such a law. I think we might adopt the precautions taken by other countries and take measures to stop the nuisance."

His Honour the PRESIDENT :—" I am in favour of Mr. DOUIE's amendment. It is surprising that the three most stalwart champions of local self-government should be found opposing the provisions which had been inserted in the Bill giving municipal committees wider powers to regulate steam whistles."

" I am, however, gratified to see that they are content at any rate to repose greater confidence in the Local Government in this matter. The Hon'ble Mr. DOUIE's amendment is as follows :—That at the beginning of section 124 the following words be added : ' In any municipality to which the section may at any time be extended by the Local Government.'"

The amendment was put to the Council and carried.

The Hon'ble Lala HARI CHAND moved that sub-clause (1) and proviso to sub-clause (2) of clause 196 be omitted, and that in the latter clause the word 'erection' be substituted for 're-erection'.

He said :—" Your Honour, clause 196 runs as follows :—

(1) No compensation shall be claimable by an owner for any damage which he may sustain in consequence of a prohibition of the erection of any building.

" (2) The committee shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition of the erection of any building :

" Provided that the committee shall not be liable to make any compensation in respect of the prohibition of the re-erection of any building which, for a period of three years or more immediately preceding such prohibition, has ceased to be fit for occupation or to exist, or having been demolished or destroyed, has not been re-erected.

[President ; Mr. Humphreys ; Colonel Parsons.]

"In my humble opinion the clause will operate very harshly on the land-owners in this country, especially on the poorer section who may not be able to build for want of funds. I agree that the municipal committees undoubtedly require power to prohibit buildings on sanitary or other similar grounds, but to deprive the owner of the compensation for the injury he suffers by the prohibition is inequitable. If the owner is forbidden altogether to build, it will reduce his valuable property next to no value. When the law was not so hard as it is proposed to make now, Sir Dennis Fitzpatrick expressed his opinion in his letter No. 515, dated 11th November 1895, to the Commissioner of Lahore, that it would be only fair and equitable for the committee to pay reasonable compensation to any owner of land whom they forbid to build on his land. It may be remembered that this eminent administrator considered section 92 of the existing Act as harsh and 'giving a power never thought of in this country any more than in England,' and expressed a hope that this point be fully considered at the time of its next amendment. The time of amendment has come. I hope that the Council will give due consideration to the opinion of this distinguished *ex-Lieutenant-Governor*, and amend the clause accordingly. The amendment, I beg to move now, is based on the opinion expressed by Sir Dennis Fitzpatrick."

The Hon'ble Mr. HUMPHREYS :—"Section 96 (1) is new, but is a corollary of the existing section. To make compensation payable in case of refusal of sanction would be to involve municipalities in endless litigation. Unscrupulous people would put in all sorts of applications, get them thrown out and claim compensation. Refusal to sanction must be *bonâ fide*, if not a suit for an injunction and damages would lie. The sub-section only makes the existing law clear. The rest of the section reproduces the existing law, which I am not aware has ever given rise to any insurmountable difficulty or has been found to work harshly.

"There is a right of appeal from a rejection of a building application,—*vide* section 225."

The amendment was put to vote and rejected.

The Hon'ble Colonel PARSONS moved (1) that in clause 241 (1) the words "or small town" be added after the words "specified area," and that in sub-clause (2) the words "or township" be added as concluding words of this sub-clause, and that the words "or township" be added after the words "notified area" wherever they occur in the remaining clauses of the chapter.

He said :—"I move this because it is almost always towns to which the provisions of this chapter are applied, and to prescribe by law, as in the existing sub-clause (2), that a town shall be called a 'notified area' is to prescribe the use of a clumsy and anomalous expression suggesting a blank space. It is one extremely hard to employ without awkwardness in speech or writing, and one that almost borders on the ridiculous. The description in sub-clause (2) of section 241 occurred mainly to suit the convenience of the legal draftsmen of the old Act, but it ignored the preference for intelligible terms existing in the world outside legal chambers. I am told that for many years one of the leading Indian gentlemen in Lahore did not know what 'a notified area' meant. He had heard of it incidentally in connection with the Municipal Act, but the vagueness of the expression never led him to expect that it meant a 'small town,' until he had occasion to study the relevant chapter of the Act for some special purpose.

"I moved an amendment similar to the present one in Select Committee and got it provisionally adopted. But a fear that the expression 'township' would be translated in vulgar speech as *kasba* mainly led to its final rejection ; because it was thought that there would be *kasbas* other than those brought under the operation of the chapter. This is true, but it does not seem to me to matter. *Sirkari kasba* would probably come to be used in distinction."

[Mr. Fenton ; Colonel Parsons.]

The Hon'ble Mr. FENTON:—"In the Select Committee the Hon'ble Colonel PARSONS advocated the substitution of the term 'township' for 'notified area.' He was out-voted on this point. He now desires while retaining the obnoxious expression 'notified area' to tack on to it the explanatory words 'or township.' We may each of us have our predilections for one or other term, but the use of both of them will, to say the least, be awkward. We do not, all of us, like the name Lahore Cantonment. Many of us prefer Mian Mir. But 'Lahore Cantonment or Mian Mir' is not an expression that commends itself to any. It is not only the remaining clauses of the chapter that contain the expression 'notified area'. It occurs elsewhere in the Bill. I presume that the Hon'ble MOVER of this amendment is aware of this and is prepared to move that where it does so occur the language shall also be changed.

"The point, however, to which I would call the attention of the Council is this, that the expression 'notified area' has now been in use for 20 years and has been adopted in the Municipal Acts of four other Provinces, and the Select Committee were assured that it and its vernacular equivalent 'rakba mushtahira' have now become widely familiar to all who are likely to have any concern with this chapter of the Municipal Act. Accordingly I venture to oppose an amendment which is prompted rather by a super-sensitive literary aestheticism than by any considerations dependent upon utility."

The motion was put and lost.

The Hon'ble Colonel PARSONS moved that sub-clause 242 (1) (b) be amended by the addition of the following illustrative example and the following proviso at the end of the sub-clause as it now stands:—

"*Example.*—The provisions of sub-clause (b) of clause 61 (B) may be applied or adapted so as to impose taxation by a notified sliding scale upon the different classes of the community resident within a notified area (or township) according to the callings which they pursue. Such adapted or applied tax may be called a tax on callings."

"*Proviso.*—For the purposes of this sub-clause agriculture shall be deemed to be a calling."

He said:—"The advantages of this amendment would be that actual practice would be expressly indicated in the law, while the objectionable expression *house-tax* which is used at present in connection with notification of sliding scale taxation in small towns would be avoided. The people hate the words 'house-tax', while they would understand and not object so much to a tax on callings (or *pesha tikkus*). It was a mistake to apply and adopt the house-tax (dealt with in sub-clause 61 (B) (a 1), as has been done in the past. The proper tax to apply and adopt was the one on trades and callings. But as 'calling' in sub-clause 61 (B) (b) presumably does not include agriculture, there is need of the proviso I have suggested above as part of my amendment.

"One reason why a house-tax has been applied and adopted in the past was that the tax in notified areas (or townships) has been associated with *chowkidara tax*. There has been a tendency to regard it as a magnified *chowkidara tax*, it sometimes being laid down that the tax shall not exceed so many times the *chowkidara tax*, existent before the town was notified.

"But the tax is really 'a calling tax' and it is much better to plainly declare it so, and get rid of the expression 'house-tax,' which the people detest. If they are told in newly notified towns that the tax notified is not a house-tax but a calling tax, they invariably regard it with far more complacency, or at any rate far less aversion."

[*Mr. Fenton.*]

The Hon'ble Mr. FENTON:—"Nothing but a super-sensitive legal aestheticism impels me to oppose this amendment. The expedient of illustrating the sections of an Act by examples is of course familiar to all of us, the best instance of the kind being the Penal Code. But throughout the present Bill we have avoided resort to this expedient, and it will be anomalous and unsymmetrical to introduce it now. Besides it is not necessary. We have frequently exercised a similar power of adapting a tax to the requirements of notified areas in the case of house-taxes. For instance, I have before me a notification in which in the notified area of Srīgovindpur a house-tax has been imposed on a sliding scale with rates of Rs. 24, Rs. 18, Rs. 12, Rs. 6, Rs. 3, and Re. 1-8, without reference to annual value. I have never heard that the legality of a tax notified in this form has been questioned as not within the adapting power given by the existing provisions of the Act. I do not feel convinced that the scheme of taxation in the case of profession taxes which the Hon'ble Colonel PARSONS contemplates is in any way contrary to the provisions of the Bill as they now stand. In any case, if this amendment approves itself to the Council, I would suggest that its language should be scrutinised with reference to the fact that it refers only to callings, whereas section 61 (b) refers to professions, trades, arts and callings."

The motion was put and lost.

ADJOURNMENT.

The Council adjourned at 5 P.M. until Friday, the 7th April 1911.

LAHORE:

The 11th April 1911

}

T. P. ELLIS,

Secretary, Legislative Council.

APPENDIX A:
STATEMENT No. 1 (a).

Statement showing average consumption of Indian spirit per 100 inhabitants in each district during 1904-05, 1905-06, 1906-07, 1907-08, 1908-09, 1909-10.

Division.	District.	1904-05.	1905-06.	1906-07.	1907-08.	1908-09.	1909-10.
		Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.
Delhi ...	Hissar ...	...	...	'5	'5	'4	'5
	Rohtak ...	...	...	'09	'1	'1	'1
	Gurgaon ...	...	...	'2	'2	'2	'2
	Delhi ...	...	...	1'9	2'8	2'3	2'2
	Karnal ...	...	...	'4	'5	'3	'5
	Ambala ...	...	...	2'3	2'4	2'1	2'5
	Simla ...	...	...	30'8	26'9	29'3	17'1
Jullundur ...	Kangra ...	...	...	2'2	1'4	1'2	1'5
	Hoshiarpur ...	...	...	'7	'7	'7	'8
	Jullundur ...	1'3	3'0	2'7	2'5	2'3	2'5
	Ludhiana ...	1'7	3'6	3'9	3'9	3'4	2'7
	Ferozepore ...	2'2	3'9	5'4	7'02	5'5	5'9
Lahore ...	Lahore ...	...	...	4'7	5'3	4'3	4'1
	Amritsar ...	4'2	6'7	6'1	5'7	5'0	5'3
	Gurdaspur ...	...	...	1'7	1'4	2'0	2'03
	Sialkot ...	...	...	'9	1'06	1'0	1'1
	Gujranwala ...	...	...	2'5	2'2	1'9	2'2
Rawalpindi	Gujrat ...	...	...	'5	'4	'4	'5
	Shahpur ...	...	...	'8	1'0	'9	1'08
	Jhelum ...	...	...	1'6	1'2	1'1	1'3
	Rawalpindi ...	...	...	2'5	2'6	2'8	3'08
	Attock ...	...	...	'7	'8	'8	'7
	Mianwali ...	...	...	'2	'3	3'8	'3
	Montgomery ...	...	...	'6	'8	'7	'8
Multan ...	Lyallpur ...	...	...	1'2	1'5	1'8	'2
	Jhang ...	...	...	'3	'3	'2	'4
	Multan ...	...	...	1'7	1'8	1'9	1'9
	Muzaffargarh ...	...	...	'3	'4	'4	'3
	Dera Ghazi Khan ...	...	...	'6	'5	'5	'5
	PROVINCIAL ...	...	...	2'0	2'06	1'3	2'0

STATEMENT No. I (b).

Statement showing average consumption of foreign spirits and fermented liquors per 100 inhabitants in each district during 1906-07, 1907-08, 1908-09 and 1909-10.

District.	1906-07.	1907-08.	1908-09.	1909-10.
	Gallons.	Gallons.	Gallons.	Gallons.
Hissar ...	'2	'2	'4	'3
Rohtak ...	'03	'04	'03	'02
Gurgaon ...	'04	'03	'09	'1
Delhi ...	2	1'8	1'7	1'8
Karnal ...	'08	'03	'05	'08
Ambala ...	2	1'7	1'7	2'6
Simla ...	38	42'6	42'6	66'6
Kangra ...	'07	'05	'06	'06
Hoshiarpur ...	'06	'06	'05	'04
Jullundur ...	'2	'3	'3	'3
Ludhiana ...	'2	'2	'2	'17
Ferozepore ...	'5	6'5	6	8'5
Lahore ...	3	3'3	3'6	7'1
Amritsar ...	'9	'8	'7	'7
Gurdaspur ...	'3	'4	'4	'3
Sialkot ...	'3	'2	'4	'3
Gujranwala ...	'2	'2	'3	'2
Gujrat ...	'2	'2	'2	'1
Shahpur ...	'3	'3	'4	'5
Jhelum ...	'5	'7	'9	'8
Rawalpindi ...	6	7'3	7	40
Attock ...	'5	'5	'3	'4
Mianwali ...	'07	'07	'09	'09
Montgomery ...	...	...	'03	'09
Lyallpur ...	'4	'5	'6	'6
Jhang ...	'06	'1	'1	'1
Multan ...	'7	'7	'9	'8
Muzaffargarh ...	'02	'03	'01	'04
Dera Ghazi Khan ...	'1	'1	'2	'1
Provincial average...	'8	1'1	1'1	2'4

Note.—The high figures in Rawalpindi for 1909-10 are due to a change in the preparation of returns. The increase in Ferozepore in the last three years is due to the increased consumption of beer among camp followers in cantonments, and does not affect the consumption by the rural population.

APPENDIX B.

STATEMENT No. II.

District.					Population.	REMARKS.
Hissar	...	...	...	...	781,717	
Rohtak	...	...	...	...	630,672	
Gurgaon	...	...	...	...	746,208	
Delhi	...	...	...	...	689,039	
Karnal	...	...	...	...	883,225	
Ambala	...	...	...	...	815,880	
Simla	...	...	...	...	40,351	
Hoshiarpur	...	...	...	...	989,782	
Jullundur	...	...	...	...	917,587	
Ludhiana	...	...	...	...	673,097	
Kangra	...	...	...	...	768,124	
Ferozepore	...	...	...	...	958,072	
Montgomery	...	...	...	...	497,706	
Lahore	...	...	...	...	1,162,109	
Amritsar	...	...	...	...	1,023,828	
Gurdaspur	...	...	...	...	940,334	
Sialkot	...	...	...	...	1,083,909	
Gujranwala	...	...	...	...	890,577	
Lyallpur	...	...	...	...	546,510	
Jhang	...	...	...	...	490,266	
Multan	...	...	...	...	710,626	
Muzaffargarh	...	...	...	...	405,656	
Dera Ghazi Khan	...	...	...	...	471,149	
Gujrat	...	...	...	...	750,548	
Shahpur	...	...	...	...	524,259	
Jhelum	...	...	...	...	501,419	
Rawalpindi	...	...	...	...	558,699	
Attock	...	...	...	...	464,435	
Mianwali	...	...	...	...	424,588	

Statement showing number of true cases of Serious crime in the districts of the Province together with the average per 1,000 of the population.

For the year 1910.

District.	Total true cases of serious crime.	Average per 1,000 of population.	REMARKS.
Hissar	388	'49	
Rohtak	292	'46	
Gurgaon	306	'41	
Delhi	521	'75	
Karnal	438	'49	
Ambala	494	'60	
Simla	551	1'26	
Hoshiarpur	438	'44	
Jullundur	447	'48	
Ludhiana	511	'75	
Kangra	214	'27	
Ferozepore	841	'87	
Montgomery	465	'93	
Lahore	1,355	1'16	
Amritsar	1,419	1'38	
Gurdaspur	446	'47	
Sialkot	1,144	1'05	
Gujranwala	1,076	1'20	
Lyallpur	1,069	1'95	
Jhang	370	'75	
Multan	770	1'08	
Muzaffargarh	557	1'37	
Dera Ghazi Khan	504	1'06	
Gujrat	503	'75	
Shahpur	656	1'25	
Jhelum	537	1'07	
Rawalpindi	674	1'20	
Attock	298	'61	
Mianwali	378	'89	

Statement showing number of true cases of serious crime in the districts of the Province together with the average per 1,000 of the population.

For the year 1909.

District.	Total true cases of serious crime.	Average per 1,000 of popu- lation.	REMARKS.
Missar	279	'35	
Rohtak	254	'40	
Gurgaon	288	'38	
Delhi	492	'71	
Karnal	354	'40	
Ambala	636	'77	
Simla	89	2'20	
Hoshiarpur	443	'44	
Jullundur	364	'39	
Ludhiana	492	'73	
Kangra	176	'22	
Ferozepore	961	1'00	
Montgomery	404	'81	
Lahore	1,493	1'28	
Amritsar	1,206	1'17	
Gurdaspur	433	'46	
Sialkot	895	'82	
Gujranwala	881	'98	
Lyallpur	860	1'57	
Jhang	314	'64	
Multan	825	1'16	
Muzaffargarh	648	1'59	
Dera Ghazi Khan	541	1'14	
Gujrat	616	'82	
Shahpur	560	1'06	
Jhelum	570	1'13	
Rawalpindi	541	'96	
Attock	325	'69	
Mianwali	338	'79	

Statement showing number of true cases of serious crime in the districts of the Province together with the average per 1,000 of the population.

For the year 1908.

District.	Total true cases of serious crime.	Average per 1,000 of popu- lation.	REMARKS.
Missar	339	'45	
Rohtak	331	'52	
Gurgaon	328	'43	
Delhi	554	'80	
Karnal	593	'67	
Ambala	769	'94	
Simla	81	2'007	
Hoshiarpur	488	'49	
Jullundur	380	'41	
Ludhiana	429	'62	
Kangra	260	'33	
Ferozepore	1,082	1'12	
Montgomery	420	'86	
Lahore	1,813	1'56	
Amritsar	1,215	1'18	
Gurdaspur	562	'59	
Sialkot	875	'80	
Gujranwala	811	'92	
Lyalpur	993	1'81	
Jhang	267	'54	
Multan	906	1 26	
Muzaffargarh	600	1'45	
Dera Ghazi Khan	478	1'01	
Gujrat	607	'80	
Shahpur	456	'86	
Jhelum	523	1'04	
Rawalpindi	652	1'16	
Attock	366	'78	
Mianwali	460	1'08	

Statement showing number of true cases of serious crime in the districts of the Province together with the average per 1,000 of the population.

For the year 1907.

District.	Total true cases of serious crime.	Average per 1,000 of population.	REMARKS.
Missar	301	'38	
Rohtak	362	'57	
Gurgaon	229	'3	
Delhi	480	'69	
Karnal	403	'45	
Ambala	738	'9	
Simla	78	1'93	
Hoshiarpur	412	'41	
Jullundur	462	'5	
Ludhiana	513	'76	
Kangra	255	'33	
Ferozepore	990	1'03	
Montgomery	441	'68	
Lahore	1,237	1'06	
Amritsar	1,321	1'29	
Gurdaspur	724	'77	
Sialkot	773	'71	
Gujranwala	714	'8	
Lyallpur	649	1'18	
Jhang	244	'45	
Multan	562	'79	
Muzaffargarh	532	1'31	
Dera Ghazi Khan	349	'74	
Gujrat	670	'89	
Shahpur	468	'89	
Jhelum	601	1'19	
Rawalpindi	458	'81	
Attock	279	'6	
Mianwali	427	1'005	

Statement showing number of true cases of serious crime in the districts of the Province together with the average per 1,000 of the population.

For the year 1906.

District.	Total true cases of serious crime.	Average per 1,000 of population.	REMARKS.
Hissar	435	'55	
Rohtak	361	'57	
Gurgaon	319	'42	
Delhi	624	'90	
Karnal	389	'44	
Ambala	627	'76	
Simla	91	2'25	
Kangra	210	'27	
Hoshiarpur	333	'33	
Jullundur	455	'49	
Ludhiana	517	'76	
Ferozepore	943	'97	
Montgomery	392	'78	
Lahore	1,270	1'09	
Amritsar	1,234	1'20	
Gurdaspur	566	'60	
Sialkot	576	'53	
Gujranwala	885	'99	
Gujrat	398	'51	
Shahpur	433	'82	
Jhelum	451	'89	
Rawalpindi	531	'95	
Attock	305	'65	
Mianwali	461	1'08	
Lyallpur	636	1'16	
Jhang	278	'56	
Multan	587	'82	
Muzaffargarh...	308	'75	
Dera Ghazi Khan	419	'88	

Statement showing number of true cases of serious crime in the districts of the Province together with the average per 1,000 of the population.

For the year 1905.

District.	Total true cases of serious crime.	Average per 1,000 of population.	REMARKS.
Hissar	455	'58	
Rohtak	291	'46	
Gurgaon	282	'37	
Delhi	497	'72	
Karnal	442	'50	
Ambala	676	'82	
Simla	73	1'80	
Hoshiarpur	359	'36	
Jullundur	442	'48	
Ludhiana	513	'76	
Kangra	170	'22	
Ferozepore	949	'99	
Montgomery	543	1'09	
Lahore	1,389	1'10	
Amritsar	1,036	1'01	
Gurdaspur	502	'53	
Sialkot	748	'69	
Gujranwala	782	'87	
Lyallpur	821	1'13	
Jhang	333	'67	
Multan	497	'69	
Muzaffargarh	412	1'01	
Dera Ghazi Khan	452	'95	
Gujrat	439	'58	
Shahpur	394	'75	
Jhelum	324	'66	
Rawalpindi	410	'73	
Attock	277	'59	
Mianwali	397	'93	

STATEMENT No. III.

Statement showing the number of retail country spirit shops in Ferozepore district, the number of villages to each shop and the number of persons per retail shop.

Year.			Number of shops.	Number of villages to each shop.	Number of persons per shop.	REMARKS.
1902-03	...	...	106	15.2	9,038	
1903-04	...	...	106	15.2	9,038	
1904-05	...	...	106	15.2	9,038	
1905-06	...	...	101	15.9	9,484	
1906-07	...	...	98	16.4	9,776	
1907-08	...	...	97	16.6	9,877	
1908-09	...	...	97	16.6	9,877	
1909-10	...	...	93	17.3	10,302	
1910-11	...	...	86	18.7	11,140	
1911-12	...	...	75	21.4	12,774	

APPENDIX C.

STATEMENT NO. IV.

Statement showing the fees for the country liquor shops in Ludhiana, Jullundur, Ferozepore and Amritsar.

District.	1	FEES.										REMARKS.
		2	3	4	5	6	7	8	9	10	11	
		1903-04.	1904-05.	1905-06.	1906-07.	1907-08.	1908-09.	1909-10.	1910-11.	1911-12.		
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.		
Ludhiana	...	23,114	30,987	18,310*	19,196*	31,814*	35,411*	18,689*	70,400	56,311		
Duty	...	42,500	47,156	98,000	1,03,676	1,04,388	91,140	93,210				
Total	...	65,614	78,113	1,16,310	1,22,872	1,36,202	1,26,551	1,11,899				
Jullundur	...	31,101	36,550	29,856*	41,456*	52,071*	59,495*	40,682*	70,945	94,600		
Duty	...	45,232	50,960	1,10,160	97,940	92,148	82,884	1,12,705				
Total	...	76,423	87,480	1,40,016	1,39,396	1,44,219	1,42,379	1,53,387				
Ferozepore	...	49,441	37,970	23,854*	25,306*	73,823*	84,553*	56,874*	1,33,985	1,72,590		
Duty	...	65,556	84,472	1,49,544	2,08,760	2,66,376	2,09,228	2,85,975				
Total	...	1,14,997	1,22,442	1,73,368	2,34,156	3,43,198	2,93,781	3,42,849				
Amritsar	...	94,181	96,144	64,638*	94,993*	1,06,835*	1,50,811*	92,611*	1,45,686	1,94,516		
Duty	...	1,53,688	1,75,780	2,77,832	2,51,088	2,31,780	2,02,036	2,72,380				
Total	...	2,47,839	2,72,224	3,42,470	3,46,081	3,38,615	3,52,847	3,64,991				

Note.—The figures in columns 1 and 7 have been taken from Imperial Return I attached to the Annual Excise Reports. They include vend fees both wholesale and retail. The figures in columns 8 and 9 have been taken from the auction statements and include retail fees only. No information is at present available for wholesale fees. Figures marked with (*) show fees during the fixed fee experiment.

PUNJAB GOVERNMENT.
LEGISLATIVE DEPARTMENT.

Abstract of Proceedings of the Council of the Lieutenant-Governor of the Punjab, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 to 1909.

THE Council met at the Council Chamber, Government House, Lahore, on Friday, the 7th April 1911, at 11 A.M.

PRESENT :

His Honour Sir LOUIS WILLIAM DANE, K.C.I.E., C.S.I., I.C.S.,
Lieutenant-Governor, *presiding*.

The Hon'ble Mr. JOHN CORNWALLIS GODLEY, M.A.

The Hon'ble Mr. ROBERT HUMPHREYS, I.C.S.

The Hon'ble Mr. MICHAEL WILLIAM FENTON, C.S.I., I.C.S.

The Hon'ble Khan Sahib Sayad MAHDI SHAH.

The Hon'ble Mr. JAMES CURRIE.

The Hon'ble Khan Bahadur Seth ADAMJI MAMOOJI.

The Hon'ble Khan Bahadur Khwaja YUSAF SHAH.

The Hon'ble Mr. WEBSTER BOYLE GORDON, C.I.E.

The Hon'ble Mr. HENRY PARSALL BURT, C.I.E.

The Hon'ble Khwaja AHAD SHAH.

The Hon'ble Rai Bahadur HARI CHAND.

The Hon'ble Rai Bahadur SHADI LAL, M.A., B.C.L., Barrister-at-Law.

The Hon'ble Mr. ARTHUR MEREDITH, I.C.S.

The Hon'ble Nawab BAHRAM KHAN, MAZARI, C.I.E.

The Hon'ble Khan Bahadur Mian MUHAMMAD SHAFI, Barrister-at-Law.

The Hon'ble Sir ARTHUR M. KER, C.I.E.

The Hon'ble Mr. HENRY PHILLIPS TOLLINTON, I.C.S.

The Hon'ble Lala SULTAN SINGH.

The Hon'ble Lieutenant-Colonel CLEMENT GEORGE PARSONS.

The Hon'ble Mr. REGINALD ARTHUR MANT, I.C.S.

PUNJAB MUNICIPAL BILL.

The Hon'ble Mr. SHADI LAL:—"I beg to move that in clause 153 the word 'immediate' occurring before the word 'neighbourhood' be omitted.

"This is a brief amendment, and I trust that the Hon'ble Member in charge of the Bill will see his way to accept it. The word 'immediate' occurs in two places in this clause. It has been found very difficult to work the corresponding section of the present Act. Especially, we have had trouble in connection with our educational institutions and boarding-houses. Section 152 provides for the prohibition of prostitutes being located in any specified part of a municipality. The use of the word 'immediate' has given trouble in the past. I know of a case in connection with an educational institution where it has been found impossible to have the house of ill-fame removed simply because we cannot say that it is in the 'immediate' neighbourhood of the institution. I propose that the word 'immediate' be deleted."

[*Mr. Muhammad Shafi; Colonel Parsons; Mr. Shadi Lal; President; Lala Hari Chand; Mr. Fenton.*]

The Hon'ble Mr. MUHAMMAD SHAFI:—"I endorse every word of what my Hon'ble Friend has said. We have felt great difficulty in dealing with this matter in the neighbourhood of Islamia College, and I am afraid the retention of the word in the present Bill will land us into further trouble.

The Hon'ble Colonel PARSONS:—"It was exactly owing to the difficulty we had in dealing with such matters that this clause was introduced, and I think that the wideness of the clause covers everything. The powers given to the municipality have been carefully safeguarded. The next clause empowers only a magistrate of the 1st class to take action in the matter. I do not think that this amendment should be accepted. It is simply wasting the time of the Council."

The Hon'ble Mr. SHADI LAL:—"I must strongly protest against the use of the words 'simply wasting the time of the Council' used by the Hon'ble Colonel Parsons. No Hon'ble Member has a right to say so. We are doing our best to assist Government in discharging our duties according to our ideas. We, the non-official Members, have a duty to perform, and we perform it according to our lights, just as the Hon'ble Colonel Parsons does. The Islamia College pointed out to the University more than once that they could not get rid of the houses of ill-fame situated in the vicinity of the College simply because they could not say that they were situated in the immediate neighbourhood."

His Honour the PRESIDENT:—"The remark of Colonel PARSONS was hardly correct as the question is very important and time is not being wasted, but it is not necessary to take much notice of it. Colonel PARSONS' time is always precious, and the Commissioner is a very busy person."

The Hon'ble Colonel PARSONS:—"What I meant to say that there was no use of having a lengthy discussion over one word which is taken from the already existing Act."

The Hon'ble Lala HARI CHAND:—"We had similar trouble in Multan. The house was not adjoining, and so we could not take action. I am of opinion that this should be deleted."

His Honour the PRESIDENT:—"We want to meet the wishes of the Hon'ble Members, and as they desire to regulate houses of ill-fame in the neighbourhood of educational centres, I am in full sympathy with them. We must make the section efficient; and Hon'ble Members who ought to know think that the use of the word 'immediate' makes it too stringent. I should hardly have thought it necessary, as the neighbourhood of a cantonment covers a very large area, and the clause as drafted ought equally to apply to a large area elsewhere, but I am quite prepared to accept the opinion of the Hon'ble and learned Members."

"As pointed out, Government are not interested one way or the other in this, and I leave it to the Council to decide."

The motion was put to the Council and carried.

The Hon'ble Mr. FENTON moved that in sub-clause (1) of clause 171 the word 'and' be substituted for the word 'or' in line 5 between the words 'sewered' and 'repaired.'

He said:—"I have first to point out that there are two printer's errors in the clause, and I shall assume that these will be corrected without any special motion for amendment. The first error is that a comma has been wrongly inserted in the third line. The second is that the word *panel* should be *paved*."

"The object of the amendment which I have to move is to correct a mistake which has crept into the amending words of the clause which were inserted by the Select Committee. If 'and' is not inserted for 'or', as I now propose, the intention of the clause will be wholly defeated. The clause relates

[*Mr. Shadi Lal; Mr. Humphreys; Mr. Muhammad Shafi.*]

to unmetalled roads or streets and provides a procedure preliminary to the assumption by the Committee of complete responsibility for future up-keep. The principle is that the first metalling should be done by the owners of the lands or buildings fronting, adjoining or abutting upon the road or street, such owners being the persons who enjoy the benefit of the metalling work. It has been pointed out that some of the *kacha* roads along which owners built new houses may have at some time been levelled or repaired at the cost of municipal or public funds, and accordingly the wording of the clause, if 'or' stands instead of 'and,' would not admit of such *kacha* roads being made the subject of a notice in writing under the section. The substitution of 'and' will rectify this defect. I have verified the fact that the wording of the corresponding section of the English Public Health Act, on which all Indian Municipal Acts are founded, is in accordance with the language of the present clause as it will stand when amended."

The motion was put and agreed to.

The Hon'ble Mr. SHADI LAL :—" In deference to the wishes of some of the non-official Members I beg to withdraw the remaining amendments standing in my name."

The Hon'ble Mr. HUMPHREYS :—" I move that the Bill be passed."

The Hon'ble Mr. SHADI LAL :—" Your Honour, I regret I am unable to support the Bill before the Council. I am sorry to say that I consider the measure defective, not only on the ground of what it does not contain and which it ought to have contained, but also on the ground of what it does contain.

" As I have pointed out in my note of dissent, the Bill does not contain any provision to carry out the recommendations of the Decentralization Commission. It is true that this Bill was forwarded for the approval of the Government of India before the report of the Decentralization Commission came out, and that it was drafted before Your Honour took charge of your exalted office. But the report of the Commission has been before us for nearly two years, and necessary changes could have in the meanwhile been made in the present Bill in terms of their recommendations and the Bill resubmitted to the Government of India if necessary. The Local Governments in other Provinces are introducing Bills in their Councils for the purpose of amending the Municipal Acts in order to give effect to the suggestions of the Commission, but in the Punjab we are stereotyping the old system.

" I have not been able to find a single clause in the Bill which makes for an advance in local self-government. Not only is there no such clause in the Bill, but I regret to find several clauses which I consider to be retrograde measures. The changes introduced so far as they deal with matters of principle are decidedly in the opposite direction. I can at once cite a few instances, e.g., proviso (a) of section 5 of the present Act, which places restrictions on the power of the Local Government to reduce the proportion of the elected members, does not find a place in the Bill. Clause 41 of the Bill, which is not found in the present Act, requires the Committee to dismiss any officer or servant at the bidding of the Deputy Commissioner or Commissioner. The only redeeming features of the Bill are clauses 152 and 153, which deal with disorderly houses and brothels. The need of some such provision has been felt for a long time, specially at Lahore, where there is a large and increasing student community. I hope the provision in the present Bill will be sufficiently effective for dealing with the evil aimed at."

The Hon'ble Mr. MUHAMMAD SHAFI :—" I have much pleasure in supporting this Bill. I only wish to say that the Bill we are now placing on our statute book may not be perfect in every respect—indeed it is impossible to expect perfection from any human source whatever. But it is a distinct improvement

[*Mr. Muhammad Shafi; Khwaja Yusuf Shah; Mr. Currie; Lala Hari Chand; Seth Adamji Mamooji; Mr. Fenton.*]

on the existing Bill. Even my friend Mr. SHADI LAL does not deny that there is improvement at least in one respect. Moreover, as it now stands after careful scrutiny in the Select Committee and the adoptions of the amendments made in the Council, it is a distinct improvement on the existing measure. Moreover, it must be recognized that progress in self-government must be slow and steady, and that revolutionary changes instead of doing good are calculated to do harm, specially in oriental countries.

"I have much pleasure in supporting the Bill."

The Hon'ble Khwaja YUSAF SHAH:—"The Bill as it now stands has many improvements. After we have heard the opinion of eminent non-official Indians on elective system read by the Hon'ble Mr. Fenton, it will certainly be a difficult matter to introduce that system at once.

"I think the Bill as now amended is the best one we can have, and I have much pleasure in supporting it."

The Hon'ble Mr. CURRIE:—"I just wish to say that the Hon'ble Member who has been in charge of the Bill is to be congratulated upon clearing away many of the difficulties that had existed in the old Act and making things easier to work. What I felt in going over the Bill was that it covered a great scope and embraced all municipalities, big and small. What I wish to say is that at some future time, that is when the proper time comes, I hope it will be possible to take into consideration a Bill which would be more proper for the working of first class municipalities with a population of over one lakh, where it will be possible to get a non-official majority to take a keen interest in conducting the public affairs of their municipality.

"With these remarks I beg to support the Bill."

The Hon'ble Lala HARI CHAND:—"I have great pleasure in supporting this Bill. I served on the Select Committee, though I am sorry to say that some of my amendments were rejected yesterday.

"I have much pleasure in supporting this Bill."

The Hon'ble Seth ADAMJI MAMOOJI:—"I have much pleasure in supporting this Bill. I do not think that it requires any more improvements. It is really perfect.

"I propose that the Bill be passed."

The Hon'ble Mr. FENTON:—"I had no intention of saying anything at this stage. But I have seen in the newspapers that a charge of hasty legislation has been made in connection with this Bill. It happened that about six years ago I was appointed president of the committee which prepared the first draft Bill. We spent seven or eight days in continual session in drawing up the clauses. Previous to that for two or three years the Bill had been worked out in the Secretariat. After 1905 it was submitted to the Government of India two or three times and its clauses came under minute scrutiny. Ample discussion followed between the Government of India and the Local Government, and the form in which the Bill is now introduced represents a very careful scrutiny and examination of all its provisions. In the Select Committee also I presided. There was a full attendance of the Members, and we sat for six days and went through the Bill thoroughly.

"As to the nature of the Bill, as Mr. HUMPHREYS has said, it is a measure devised to remove all obstacles which have actually occurred in the working of municipalities and is not a political measure, but a measure for improving the working of the municipalities, and as such I think it ought to be welcomed. As

[Colonel Parsons ; President.]

regards the charge that we have not incorporated all the proposals of the Decentralization Commission, I must point out that these proposals were sent to us by the Government of India for opinion and the opinion of the Local Government was submitted; but as in the case of all reports of Commissions, the Government of India is the final authority in deciding to what extent those recommendations ought to be accepted? We have not yet received the orders of the Government of India on the chapter regarding municipal matters. It would therefore have been premature to overhaul the Bill to see to what extent the recommendations of the Decentralization Committee could be adopted.

The Hon'ble Colonel PARSONS :—"As a Member of the Select Committee I took great interest in this Act. I attended all the meetings of the Select Committee except one, when I was unavoidably absent. I have personally received a set-back at least in two of the amendments to which I attach great importance, but fortunately one has been accepted by the Committee after some discussion.

"To give greater power to municipal bodies in the present state of public feeling would not be to introduce peace. The Members of this Council who are members of municipalities must know that. I am perfectly sure that if a referendum on the subject of putting a non-official member as president was taken, it would be adverse to that proposal.

"I think that this Council may well disregard the only note of dissent raised in this Council as to this measure."

His Honour the PRESIDENT :—"After the remarks that have fallen from Mr. FENTON, I do not think that any one could really believe that the legislation before us was rashly conceived. The Bill was under consideration for six years, and several committees consisting of official and non-official Members sat over the Bill during those years, and most thoroughly worked it out. I must confess that when I took over charge of the Province I was not greatly enamoured of the Bill, very much for the reasons mentioned by Mr. CURRIE, and possibly if things had not gone so far as they had done, we might have been content with a much smaller measure dealing with the first class committees as much more drastic measures are necessary if high class municipal administration is to be secured. However, on studying the question, I found that the greatest difficulty had been experienced in the working of the existing Act, and if I had held up the Bill, it would probably have been some six years before the anomalies and difficulties in the existing Act could be put right. It would therefore have been absurd on my part to stop the course of the measure which undoubtedly had much in it.

"In framing the Bill wherever possible the recommendations of the Decentralization Commission have been kept in view. The only objection that has been taken is that we have not gone far enough in the way of teaching the committees local self-government. I must say that in the Punjab we acted perhaps too strenuously in that direction, and in 1884 we were far ahead of almost every other Province in India, as my distinguished predecessor Sir Charles Aitchison held very advanced views on the subject of local self-government. What has really happened is this, that, while the other Provinces were slowly working up to the level of the Punjab, which had already allowed its municipalities largely to manage their own affairs. Government have held practically an open mind in this matter. On the Select Committee we put on every Member who desired to serve or who had any experience of municipal work. There is nothing in the Bill which prevents the Local Government from investing a municipality with the fullest possible powers to manage its own affairs. The Bill has been threshed out in the Select Committee, and that Committee has been only too willing to meet all reasonable suggestions. The

[*President ; Seth-Adamji Mamooji ; Mr. Shadi Lal ; Mr. Mant.]*

only thing they had stood out for was that the fullest powers of effective control should be in the hands of the Local Government in the event of anything going wrong. I am perfectly certain that no person occupying the position of Lieutenant-Governor would have the slightest desire to use his powers under the Bill unless it was absolutely necessary in order to prevent scandals in the administration. Such scandals, however, do occur in the most advanced quarters, and it is only necessary for me to refer to recent cases in Bombay. The distinguished officer who holds the position of the Governor of Bombay is known to be most liberal in his views, particularly towards local self-government ; yet in that very advanced quarter they found that a municipality—not a petty municipality or a notified area, but a large and an important municipality—had to be abolished, because of its failure to carry out the duties that devolved on it under the Act. Government would be wanting in its duty to the public if it did not reserve such powers as are to be found in this Act to meet such special cases. Looking at the constitution of this Council, it will be seen that we are not favoured with a very large number of elected Members. The reason for that is evident. From the extracts of the opinions of eminent non-official Indians which Mr. FENTON read in connection with this Bill, it will be seen that even in asking for five elected Members for this Council I was going far in advance of the great bulk of opinion that was received on the measure.

“ One of the most distinguished of the elected Members, Mr. SHADI LAL, for whose opinion I have the greatest respect, has dissented on the general scope of the Bill. I am not aware however that Mr. SHADI LAL in the course of his very distinguished career had ever very much to do with municipal management, that is to say, with its practical work. Now I can assure you that the Punjab Government has taken the greatest possible interest in furthering practical local self-government, and in order that this cause might be pushed to the extreme limit compatible with efficiency of administration, I arranged with the Government of India that of the five elected Members of the Council three should be elected by the larger municipalities of this Province. I wish to point out that those three representatives who are men actually concerned with the working of the Act have been the most strenuous supporters of this Bill, and unanimously objected to any further extension of the principle of local self-government at present. It would I think be useless and improper to reject the opinion of practical men as regards the scope to be allowed in this Act on the subject of local self-government and to accept in preference the opinion of other Members, who however distinguished they may be in other lines, have not had the practical experience of these three Members, who represent by election the large municipalities of this Province. They recommend that this Bill be passed, and I think that we may safely accept their advice.”

The motion was put and agreed to.

BUDGET ESTIMATES FOR 1911-12.

The Hon'ble SETH ADAMJI MAMOOJI :—(Commenced reading his speech).

The Hon'ble Mr. SHADI LAL (interrupting) said :—“ I think the Hon'ble Member is not in order in addressing the Council before the Hon'ble Financial Member has introduced the budget.”

The Hon'ble Mr. MANT :—“ The rules are now altered. Formerly the rules provided that the budget should be presented to the Council first, and that the discussion should take place on some later date. Under the amended rules, unless some change has been made in the figures of the revised Financial Statement other than a change recommended in a resolution passed by the Council, or unless some change so recommended has not been accepted by Government, the budget is simply circulated to Members, and there is no formal

[*Mr. Mant; Seth Adamji Mamooji.*]

presentation of the budget. Under the rules the presentation and discussion cannot take place on the same day. If I was presenting the budget to-day, no discussion could take place to-day on it.

"We have, however, circulated the budget, and the figures have been before the Hon'ble Members for two or three weeks. I am not therefore presenting the budget to-day, and I will reserve my remarks until Hon'ble Members have finished their observations.

The Hon'ble Seth ADAMJI MAMOOJI:—"Your Honour,—Our speeches last year read more like dirges on our financial position and prospects. It is a source of congratulation that a prosperous budget has been presented to this Council this year. We are grateful to Your Honour for placing a larger sum under 'Unallotted' for the consideration of the Finance Committee. These are the results of more liberal treatment by the Supreme Government, and also to sale of land in our colonies. We are grateful to the Supreme Government for the improvement made in the Provincial Settlement, but, at the risk of being considered ungrateful, I think that the Punjab might have been treated better in the matter of Sanitation and Education. It is depressing to learn that out of Rs. 11,76,000 asked for urgent sanitary schemes, only 5 lakhs (excluding 5 lakhs earmarked for the Kasauli Central Research Institute) or less than half has been given. Our canal systems which intersect our Province at every point and whose useful sphere is daily extending, while conferring agricultural prosperity, is unfortunately an incentive to malaria. I believe His Excellency the Viceroy emphasised this in his speech at the Darbar on the 3rd instant. Thus a blessing and a curse go concurrently. For this reason, I think the imperial grant should, if anything, have been larger than the amount asked for.

"Then again the duty of rescuing the ordinary inhabitant from causes hostile to health has a particular significance in the Punjab, the great recruiting ground of the Indian Army. Constitutions enfeebled by malaria in the course of years must weaken the stamina of posterity and prejudice our fighting material. Plague, which would appear to have established itself permanently, is levying a heavy toll, and as sanitary environments conduce to check its ravages, there is an additional reason for spending more largely on sanitary reforms. What I wish to bring out is that even the Rs. 11,76,000 asked for by this Province is not sufficient.

"Turning to education, it is observed that the Punjab has been treated less generously than some other Provinces. The basis on which the Government of India has arranged the distribution is not known. My plea for a larger grant to the Punjab is that ordinary education here is, comparatively, backward without taking into consideration education on technical and other directions. If therefore we are to stand abreast of other Provinces in the matter of intellectual and economic advancement, larger strides must be made, and this depends on funds. I trust that these points may be insistently urged, so that in the event of a further surplus accruing in the accounts of the current year the Government of India may fully appreciate our needs and treat us more liberally. It is with universal satisfaction that the proceedings of the Industrial Conference presided over by Your Honour were read. As a leading member in the business world, I would suggest that in matters of industries and the development of mines, forests, &c., greater elasticity be allowed and official interference and control reduced to a minimum. It takes the heart out of zealous enterprise and private initiative to be subjected to formalities which spell delay, trouble and expense.

"As regards education, I beg to refer again to the position I took up last year in the matter of religious instruction going hand in hand with secular studies. There is no use disguising the fact that excising religion from the

[*Seth Adamji Mamooji.*]

curricula of our schools, and permitting an unrestricted resort to works of socialistic or revolutionary writers has paved the way to sedition. No caste, creed or sect would object to the inculcation of the broad principles of religion to which every one of the denominations in the Indian Empire adhere. For example, veneration for God, love to parents, honour to whom honour is due, respect for each other, and loyalty to our King are virtues to which the most fanatic of any religion in India, nay in the whole world, need not hesitate to profess. Some such broad ethical instruction, given concurrently with secular culture, should sober the activities of the latter by directing mental energies into channels aiming at the good of mankind. The salaries of the teachers should be considered and put on a satisfactory footing without delay. A starving pedagogue, discontented with his emoluments which compare most unfavourable with the value of unskilled labour, can scarcely be expected to emulate a spirit of contentment and happiness in the minds of the impressionable youths whose future is entrusted to him. The child thus starts life in depressing environments which eject all hopes of contentment and loyalty from the future man.

"Then, again, the Indian youth feels that he gathers his knowledge under a great disadvantage. Elsewhere than India instruction is imparted in the native language, the language in which he thinks. Here in India the native culls his knowledge through a foreign tongue, on the competent acquirement of which depends his grasp of the subjects taught. Cannot the courses in all the branches of prescribed subjects in all the standards be translated into the local vernacular and studied contemporaneously with the English text books? If these text books could be bilingual, it would smoothen the way of instruction and reception alike. It would complete a lad's knowledge of his mother tongue, which, I am afraid, the present system makes secondary to English. What I mean is that knowledge is knowledge in whatever language acquired, proficiency in the subject being better assured when imparted in the mother tongue. Moreover, it affords an opportunity for the females of a family to be instructed by their male members and constitutes a decided step in the advancement of women.

"As regards the Agricultural College at Lyallpur, which is intended for agriculturists, it should be borne in mind that in villages the standard of instruction is primary, and if the villager's son is to derive the intended advantages from this college, the village standard should be raised to secondary. But, as this means a very large financial burden, the text books of the college might be in the vernacular and instruction imparted in that tongue. The efforts of that institution would then reach the agricultural classes who are most concerned. To introduce the intermediary of English is, moreover, to place a bar between the agriculturist and his calling.

"The announcement that municipalities will be relieved of police charges is pleasing. Those bodies have long struggled to meet growing demands from restricted resources, and the relief is most welcome, but it should not be earmarked for additional burden. As Your Honour is aware, Rāwalpindi is an important municipality. The district is responding with alacrity to economic advancement. Its commerce and trade are growing and its military position gives its importance. The one bridge across the Leh over which all traffic between the station and the city as also the traffic to Murree and Kashmir passes is not sufficient. Carts crossing to or fro are often delayed, and there is the risk of accidents. May I ask on behalf of the district that Government be pleased to construct another bridge or make a special grant to the municipality for the purpose.

"The community I represent is grateful for the concession of communal representation in municipal committees. I am asked to say that that recognized principle may be universally extended. We are grateful to Your Honour for

[*Lala Hari Chand.*]

promising to examine the papers on the question of raising the status of the Chief Court to that of a High Court,—an indication of Your Honour's impartiality. It is gratifying to think that the Punjab with its manly inhabitants has, under Your Honour's sympathetic and able administration, steered clear of that insidious plague which elsewhere is yielding to the inoculation of enactments. The loyal and spontaneous demonstrations on the occasion of His Excellency the Viceroy's recent visit was but a feeble indication of the feelings of the Punjabis in the capital to the paramount power. In conclusion, I would add that it is impossible to describe the feelings of profound love and loyalty with which we await his beloved Majesty our King Emperor's Coronation at Delhi,—that historic city, where, in the fullness of time, a message of love and peace supplants the ominous decree of the despot and reverberating through the darkening walls of its ancient ramparts, shall find its echo in the heart of loyal India."

The Hon'ble Rai Bahadur Lala HARI CHAND:—"Your Honour, in rising to speak on to-day's debate, I must in the first place congratulate the Hon'ble Finance Secretary on the marked improvement in the Financial Statements. As against 16 lakhs of rupees which was estimated as the balance in the budget last year, the revised estimate now anticipates a closing balance of over 62 lakhs of rupees. This is an eminently satisfactory state of things, and the prospects of the provincial exchequer now brighter than they have been for many years. The improvement in our financial position is due, as the Hon'ble Finance Secretary has explained in his note, to the generosity of the Imperial Government in giving to us a share of the surplus, to the receipts from land sales in the canal colonies, and a more equitable provincial settlement with the Imperial Government. For this result the Council is deeply indebted to the Hon'ble Mr. FENTON, Chief Secretary, whose vigorous and able advocacy of our claims in the Imperial Legislative Council has borne fruit in so beneficial manner. The benefit to the provincial exchequer, I hope, will make itself equally felt among the people of the Province. It is gratifying to find that the Government recognises its responsibility in providing suitable educational facilities, consistently with the growing needs of the Province, and that it will fully bear in mind the condition of what has been called the 'lower strata of its literate employes.' As I observed last year, with the prevalent high prices and costly standard of living, it is hard for these classes to make the two ends meet. I am specially gratified to learn that their case is receiving careful consideration, and trust that the earliest opportunity will be taken to improve their pay, position and prospects.

"The sales of land in the Chenab and Chunion Canal have contributed a substantial portion of the surplus, and it is satisfactory to note that the benefaction of the Government has, like true charity, been twice blest, blessing both the giver and the receiver. In this connection I may add a word as to the harassment caused by recurring settlements. Your Honour has earned the grateful thanks of the people by recognising this in the case of the Murree tahsil, where the settlement has now been fixed for twenty years. The press *communiqué* issued on the matter with reference to the *Tribune's* articles and the reply given to my question in this Council, in which it was stated that the subject was receiving Your Honour's consideration, raised our hopes which the result has shown to have been fully justified. I hope the time is not distant when it will be possible to introduce thirty years' settlement, which obtains in the eastern districts of the Province, to the western districts also.

"Coming to the other points in the Financial Statement, I must congratulate the Imperial as well as the Provincial Government on the relief given to the municipal committees of the Province from the police charges. I note with great gratification the Imperial and the Provincial allotments for the expansion

[*Lala Hari Chand ; Mr. Shadi Lal.*]

and the improvement of the Medical College and Hospital, which is to be associated with the revered name of our late Sovereign, Edward the Peace-Maker.

" It is with satisfaction that I note the provision for a seventh Judge in the Chief Court, as to which the Government of India has been addressed, and I trust that the office when sanctioned may be conferred on some capable Indian member of the Bar. It is hoped that the new scheme for the appointment of District and Sessions Judges, which, if sanctioned, is expected to come into force this year, will obviate the hardships resulting from the arbitrary transfer of appeals from one district to another, which has been so acutely felt by the litigating public.

" Coming to the expenditure on education, I note with pleasure that the budget estimate for education provides for an increase of Rs. 4,10,000 over the revised estimate. This increase is, however, due to the special Imperial grant for education. It is to be hoped that the improvement of the prospects of teachers and strengthening their number, which have been down in the budget, will be undertaken, and that the full allotment will be actually spent. We cannot allow any portion of the education grant to lapse. The Education Department is already paying the penalty of its being over-economical by having got its provincial allotment curtailed by nearly a lakh of rupees.

" It is a matter of great regret that the sanitation grant for two successive years has only been partially spent on the objects concerned.

" This has been due, as the Hon'ble Mr. TOLLINTON explained, to the delay in the preparation of schemes. Sanitation can of all subjects least afford to stand over, since the penalty for default is enormous, as has been evidenced by the heavy mortality rolls from plague and malaria in our Province. I trust the whole of the budgetted allotment for sanitation will be spent this year.

" Your Honour,—I cannot better conclude than by expressing my thanks for the allotment of Rs. 20,000 which may be increased, it is hoped, to one lakh for technical education. Your Honour has throughout your career taken a deep interest in the industrial development of the Province, and the recent Punjab Industrial Conference is an eloquent testimony to Your Honour's keen solicitude in the matter. I trust that the committee to be appointed for devising a scheme of industrial and technical education for the Province will shortly be formed by the Local Government, and that before the year is over we shall have something done in this direction.

" Compared with the United Provinces, which has been fortunate in getting a special Imperial grant of 3½ lacs for a Technological Institute, we are immeasurably behind hand. It is time that we should begin work at once.

" In this connection I wish to urge the claims of the Victoria Diamond Jubilee Technical Institute, Lahore, for some special financial assistance from the Government. This institution, in spite of its limitations and drawbacks, has been doing good and useful work and deserves every support from the State.

" With these few observations I express my general concurrence with the provisions of the budget."

The Hon'ble Mr. SHADI LAL :—" Your Honour, this is the second year in which our enlarged Legislative Council has had the privilege of assisting in the financial questions of the Province. Comparatively speaking, the non-official Members have been in a position to take greater interest in the financial proposals, and this has been due to Your Honour's courtesy, notably in the matter of treating a larger sum as 'unallotted expenditure' and pro-

[Mr. Shadi Lal.]

missing to consult us, as far as possible, in the matter of reappropriating money from savings in the sanctioned budget for fresh charges presenting themselves in the course of the year.

"Grateful, as I am sure, we all are for the concession, it seems that something more is needed if full advantage is to be reaped by a leavening of the non-official opinion in the deliberations on our finances, whose function is now restricted to the 'unallotted' grant—a variable quantity, which in a year of depression might prove to be inappreciable. The recent modifications in the Provincial Settlement, it is said, were made to give Local Government greater freedom in provincial finance. A sense of that freedom might well, I think, be shared by the non-official Members.

"Last year, while discussing the budget, I made a few remarks as to the unsatisfactory condition of our provincial finances, and referred to the system by which we received fixed assignments to meet growing expenditure. I said, at that time, that the practice of granting a fixed sum of money instead of a definite share of growing income reacted prejudicially on our financial stability. The Hon'ble Mr. FENTON, the official representative of the Punjab, put the matter so ably and lucidly before the Imperial Council that the Government of India had to yield to the irresistible logic of his arguments, and the result is that we have got a new Provincial Settlement. I cannot say that we have got all what we wanted; I cannot say that the funds placed at our disposal are sufficient to meet our growing needs, but it must be admitted that the worst feature of the old system has been removed, and, instead of fixed assignments, we have got a share of income which is bound to increase every year. It is regrettable that our share of the interest charges on capital expenditure on new canals is calculated to restrict us to the guaranteed minimum of 41 lakhs till 1916-17.

"Sir Guy Fleetwood Wilson has, I understand, set about pruning Indian expenditure. If India, as a whole, is to succeed in keeping down the cost of administration and improving the necessities of the people without resort to additional taxation, the attempt must start from the Provinces. We are all pleased to learn that Your Honour was the first Governor to curtail the expenses of summer migration to Simla and to promote Jail industries with a view to their self-support and to supply a means of honest livelihood to prisoners on their release. But it seems that something more can be done to attain the ideal. The possibility of employing to a larger extent local talent in those departments where technical training is not essential supplies one means.

"On account of the recent orders of the Government of India, the income and expenditure under the 'Forest' have been provincialised, and we naturally feel more interested in it. I notice from the figures of the budget for 1911-12 that more than half the income from this source is estimated to meet the cost of maintaining the Forest Department. Now, Forest is purely a business concern and should be conducted on business lines. I am not sure that we are conducting this business on lines which would appeal to managers and directors if the department were the concern of a syndicate or a Limited Liability Company. Our system seems to aim at efficiency, and, while efficiency may in some cases be very desirable, there is always the danger of over-doing it and sacrificing reasonable profit to the attainment of departmental ideals. The provincialisation of forest income and expenditure affords the Local Government an opportunity of making this head contribute a larger net income towards our revenues.

"The Government of India have been granting 4 lakhs per annum since 1908 for sanitation in the Province. I notice that the whole of the money has not been spent, and the reason for not utilising the entire sum for sanitation is the

[Mr. Shadi Lal.]

delay in the preparation of schemes, Your Honour, what I am not clear about is, firstly, whether this unexpended balance from the grant is held in our closing balance, and, secondly, what is the cause of this delay in working out schemes? May I be permitted to suggest that, if these delays result from centralisation, the grant be apportioned among the district boards and municipalities for expenditure on local sanitary objects. This proposition would appeal more readily to the public if the answer to my first point is that a considerable part of the sanitary grant has been deflected to meeting other charges and is not found in the closing balance at the end of the financial year. It is with gloomy apprehensions that we notice the tendency to a rise in plague, especially in the districts of the Delhi division. The people have been reconciled to evacuation and other precautionary measures to grapple with the disease, and it is a pity that some co-operative means cannot be devised for eradicating the evil.

"Those who are in favour of raising the status of the Chief Court to that of a chartered High Court must view with satisfaction Your Honour's sympathetic reception of the proposal and the kind promise to re-examine the question. The argument advanced by the opponents of the measure would, in these days of curtailment of expenditure, appear to be sounder reasons for lowering the status of the High Courts in other Provinces than defeating the proposal to bring our highest tribunal in line with that in the neighbouring Provinces.

"The Hon'ble Mr. MANT, while giving a retrospect of the provincial finance since April 1905, alluded in his memorandum to the social changes which 'have manifested themselves in irresistible demands for a higher standard of expenditure on special services, such as the Police and Education.' If my memory serves me correctly, the officials of the Forest and Public Works Departments have also had their remunerations enhanced. I believe these changes mainly affected the higher services. May I request once more that the prospects of the subordinate services should also be improved. The increase of education, the keenness of competition and the demand for better work have combined to improve the class which fills the large gap between the higher services and the menial staff. The former and the latter have had their grievances in most of the departments remedied, and the intermediary officials who feel the pinch of the increasing cost of living should, I think, be afforded some relief. The question might be thoroughly examined and the additional cost met by the larger appointment of local talent in the higher services on a smaller remuneration.

"I may be allowed to make a few remarks in connection with education in the Province. At the last meeting of the Council, in connection with my resolution recommending an additional grant of 2 lakhs to the Education Department, I drew Your Honour's attention to the fact that the provision for expenditure out of the provincial revenues for 1911-12 as compared with the estimated expenditure for 1910-11 has been reduced by about Rs. 90,000. The Hon'ble Mr. GODLEY expressed a hope that this reduction will not interfere with the ordinary sanctioned expenditure. I notice that the paucity of funds has prevented the Director of Public Instruction from introducing pressing reforms in his department. We are obliged to Your Honour for your sympathy with the desire to extend education, and especially primary education. I earnestly hope that the local authorities will be able to make larger grants this year, and the pay of the teachers in the primary schools and the number of the schools will be increased. As regards higher education, the private agencies may be encouraged by grants-in-aid and the pressure on the existing institutions relieved. I should like to see the adoption of a liberal policy in this respect. In the higher classes of schools there should not be too many examinations. This principle which had been laid down by the Government of India is a sound one, though it is not being acted upon in parts of this Province.

[*Mr. Shadi Lal ; Mr. Muhammad Shafi.*]

"The Hon'ble Mr. GODLEY will, I trust, during the course of the year, be able to mature his schemes for improvements which were in abeyance for want of funds. It is unnecessary for me to say more in this connection this year, more especially as the Director of Public Instruction is working out schemes of reform. I trust that the Government will receive his proposals favourably, and provide necessary funds in the next year's budget.

"The imperative necessity of introducing a well-considered scheme of industrial and technical education has been often admitted, but so far nothing tangible has been done. To mitigate the severity of famines, to find occupations for educated middle classes and to make the country prosperous and richer, it is necessary to introduce technical education. So long ago as 1880, the Famine Commissioners said in their report: 'No remedy for present evils can be complete which does not include the introduction of a diversity of occupations through which the surplus population may be drawn from agricultural pursuits and led to find the means of subsistence in manufactures or some such employments.' I hope the labours of the Industrial Conference, in the deliberations of which Your Honour took such a lively interest, will bear fruit, and some practical steps will be taken in this direction.

"We were pleased to welcome Lord Hardinge to our Province, and I trust that, in its peaceful atmosphere under your administration, he carried away pleasant recollections of the Punjab which his ancestor was instrumental in making a part and parcel of the brilliant British Empire. The announcement that His Majesty the King Emperor will be crowned Emperor of India at the close of this year has struck a chord in the hearts of our people, vibrating love, loyalty and trust. We, in the Punjab, feel a legitimate pride that the auspicious and unique ceremony will take place in the imperial town of this Province, thus conferring an unprecedented honour on the Punjab. This thoughtful and gracious act of our beloved Sovereign must divert all conflicting sentiments arising from diversity of caste, creed and colour, competing claims and ambitions, into one stream of unbounded loyalty to the British Crown and British Throne. It is only fitting that the brightest gem in the British diadem should be the Koh-i-Noor, and its sparkle is but a reflection of the loyalty and sincere devotion cherished in the hearts of every true son of India."

The Hon'ble Mr. MUHAMMAD SHAFI :—"Your Honour during the budget debate held at the meeting of this Council on 8th April 1910, while expressing regret at what looked like a prospective deficit amounting to Rs. 9,27,000, I ventured to give utterance to the following words :—"And should we, as I hope we may, find at the end of the year 1910-11 that the provincial revenues and receipts, now under discussion, were somewhat under-estimated and the real income turns out to be larger, resulting in the wiping off of this deficit, the Government will have justifiable reason to congratulate itself." It is a matter of sincere gratification to me that the hope I then expressed has been fully realized. It will be within the recollection of Hon'ble Members that the opening balance at the commencement of the financial year 1910-11 amounted to Rs. 25,27,000, and according to the budget estimates then placed before the Council, it was expected that the year will close with a reduced balance amounting to 16 lakhs. As a matter of fact, however, the revised estimates show that the balance in the hands of the Provincial Government amounted to Rs. 62,42,000, thus showing that the total revenues realized during the past year had exceeded the total expenditure by Rs. 37,15,000. These figures constitute conclusive proof of the prosperity prevailing in our Province, and I venture to avail myself of this opportunity to offer my sincere congratulations to Your Honour's Government on the happy results thus achieved. And when, along with these significant provincial figures, we take into consideration the prosperous conditions prevailing throughout the country as revealed by the Imperial budget and the fat surplus realized

[*Mr. Muhammad Shafi.*]

by the Imperial Government which has enabled it to make large grants to the various Provinces for purposes calculated to confer material benefits on the Indian peoples, we cannot but arrive at the happy conclusion that the assertions of a certain class of politicians regarding the alleged 'growing poverty of India' are absolutely unfounded, and their evil forebodings are but the result of a pessimism utterly unjustifiable by existing facts. In a series of articles published in the columns of the *Civil and Military Gazette* in June and July last year, I gave facts and figures demonstrating the baselessness of this theory, and to me it seems the height of ingratitude on the part of any Indian to ignore actual facts of so significant a character as are disclosed by our Imperial and Provincial Financial Statements and to put forward utterly unfounded allegations calculated to throw immature minds of our youth off their balance.

"Turning to the expenditure side of the revised estimates for the financial year which has just 'winged its flight,' we find that the total amount exceeded the 'actuals' for 1909-10 by Rs. 24,12,000. Increased expenditure accompanied at the same time by an increased balance at the end of the year is a happy result for which we have ample reason to congratulate ourselves. A comparison of the figures relating to the last two years makes it abundantly clear that a portion of the increase in the expenditure falls under the head "Excise." This is due to the addition to the Excise staff of a large number of Inspectors and four Superintendents whose appointment will undoubtedly conduce to the detection and prevention of illicit manufacture of country liquor, and will thus materially advance the cause of temperance in the Punjab. And in connection with the large number of appointments made on the Inspection staff of the Excise Department, I desire, on behalf of my community, to express our complete satisfaction at the manner in which this branch of the service has been recruited with due regard to the claims of the various communities which have so important a stake in the proper administration of the affairs of our Province.

"Your Honour, I desire to avail myself of this opportunity to say a few words in connection with the reconstitution of the Judicial Branch of the Provincial Civil Service which also has, in part, taken place during the past year. The increase in the number of Extra Judicial Assistant Commissioners and the appointment of Subordinate Judges in all the districts of the Punjab are steps in the right direction, and constitute the first rung in the ladder of reforms which, when completed by the elevation of our Chief Court to the status of a chartered High Court, will bring our judicial system in a line with that prevailing in the other Provinces of India. Here, again, it is satisfactory to note that in the reconstitution of this branch of the service the Government has been pleased, on the whole, to keep the principle of equitable distribution of these appointments among the various communities well before its eyes. But there is one criticism which I am compelled to make in this connection. It is a matter of considerable regret to me that while undertaking this scheme of reconstruction the Government has practically ignored the claims of the Provincial Bar to which attention was drawn during last year's budget discussion. I venture, on this occasion, once again to invite the attention of Government to the advisability of giving a share of these appointments to deserving members of the legal profession. And in this connection, I would most earnestly request Your Honour's Government to take into favourable consideration a practical suggestion which I desire to submit. As the Council is aware, a certain number of members of the Bar are appointed as Government Pleaders and Public Prosecutors in the various divisions, and in that capacity render valuable services in the administration of justice. Moreover, Government has ample opportunities of forming a correct estimate of their ability as well as honesty. There seems to me to be no reason whatsoever why some of these gentlemen, who have per-

[*Mr. Muhammad Shafi, Nawab Bahram Khan.*]

formed their duties conscientiously and to the satisfaction of the local authorities, should not be promoted into the Judicial Service of our Province. This would, to my mind, be a step in the right direction, and would constitute a commendable recognition of good work done.

"In connection with the estimates for the ensuing year, one notices an appreciable increase in the expected income as well as expenditure. This, I presume, is partly due to the welcome modifications sanctioned by the Government of India in the Provincial Settlements whereby, amongst other things, the provincial share of land revenue has been raised from $\frac{3}{4}$ ths to $\frac{4}{5}$ ths, thus enabling the Local Government to spend more than it was hitherto in a position to do in satisfying provincial needs. For this change in the right direction the grateful thanks of our Province are due to the Imperial Government. And the handsome grants which that Government has made to us, out of the large surplus in its hands, for the promotion of education and sanitation have added to the debt of gratitude which we owe to the Imperial Government, and conclusively demonstrate the incontrovertible fact that welfare of the people of this country is undoubtedly the foremost consideration with the British Government.

"A glance at the figures relating to the 'Provincial Revenues and Receipts' and the 'Provincial Expenditure' for the year 1911-12 makes it abundantly clear that in the opinion of the framers of the Financial Statement we may fairly expect another prosperous year for our Province. In my humble judgment that expectation is fully justified. The new financial year is indeed commencing under the most favourable circumstances, and, inasmuch as an event of the most auspicious character unparalleled in the history of British India is about to take place during the course of ensuing year, this is as it should be.

"Your Honour, for the first time in the history of England, the British Sovereign our King Emperor is going to undertake a journey beyond the confines of Europe. The announcement of the intended trip of our august Sovereign to India for the purpose of being crowned in the Imperial city of Delhi has sent a thrill of great delight in the devoted hearts of all loyal subjects of the British Crown. This indeed is not only a step of the utmost political importance calculated to bring about most valuable results, but is also one of those fascinating events which appeal peculiarly to Oriental minds. His Most Gracious Majesty's devoted Indian subjects are on the tip-toe of expectation, and there await in this country for our beloved Sovereign, on his arrival here, demonstrations of most fervent loyalty and respectfully welcome unparalleled in the history of any country. Speaking for my own community, I venture most solemnly to assure the Council that the deep feelings which this announcement has evoked in the hearts of my co-religionists are absolutely beyond description. Our heart-strings are vibrating with a joyful music, the thrilling tunes of which have filled all Muslim souls with exquisite delight. God willing, we shall, in December next, give our Gracious Sovereign a loyal welcome worthy of the Mighty Ruler of the greatest Muslim Power in the world; aye, worthy of the exalted head of a great and glorious Empire under whose all-embracing protection hundreds of millions of God's creatures live in unbounded peace and prosperity, and bless a wise Providence for having placed them under that powerful protection."

The Hon'ble Nawab BAHRAM KHAN, MAZARI, spoke in Urdu, a translation of which is as follows:—"Before the budget is passed, I with great deference beg to invite Your Honour's attention to Dera Ghazi Khan. Your Honour is well aware that the new city of Dehra is under construction, and that the work of the erection of about 1,500 buildings has been taken up. It is probable that a large portion of the population would undertake to reside in the new city during the ensuing hot season.

[*Nawab Bahram Khan ; Lala Sultan Singh.*]

"The tahsil and the police buildings are, through Your Honour's kindness, in the course of construction ; but, as the buildings for the civil station will require greater funds, the scheme will be carried into effect on receiving the sanction of the Government of India. I, however, in order to remove the difficulty of the residents of Dera Ghazi Khan, beg to propose that provision may kindly be made in the present budget for the construction of the courts of the District Judge and the Munsif, as these buildings are taken on rent in the present city by which we will, besides removing the trouble of the people, get rid of the payment of rent."

The Hon'ble Lala SULTAN SINGH :—" It is a matter of great satisfaction and congratulation that the terms of the Provincial Contract with the Government of India have been at last modified. A good deal of the credit in this respect is due to the able presentation of our financial grievances by the Hon'ble Mr. FENTON last year in the Imperial Legislative Council. The provincial share of the land revenue and irrigation has been raised to one-half. And the forest revenues have been entirely provincialised. But the corresponding reduction in the Government of India's fixed assignments to our revenues have neutralised any immediate gain to our resources. Therefore the above change does not place us at once in a position as to undertake any new expenditure on a large scale. As mentioned by the Finance Member, the amount of net increase of revenue estimated in the coming year's budget will chiefly consist of the sale-proceeds of Government lands in the canal colonies. And he rightly cautions us not to reckon these in our ordinary revenue, and not to depend on this for raising our recurring expenditure. I agree with the Finance Member that this income should be kept in reserve as a capital to meet the loss of income which would result when the revenue from the *malikana* of the land sold ceases. But I look forward to the time when the new irrigation works, on completion, will begin to be productive and increase our share of income arising therefrom at a rapid rate. It will be then that the benefits of our new settlement will be fully realised. I beg to offer my thanks to Your Honour for the relief given to the municipalities by remitting police charges. This has set free a considerable amount of our municipal funds; and I confidently hope that the committees concerned will not allow this to be spent in any other direction, but will utilise it in improving sanitation and education. A little hint from Your Honour to this effect to the bodies concerned will go a long way in achieving this object.

"Expenditure on police in the Province has been rising for several years, owing to the re-organisation scheme.

"It was mentioned last year in the memorandum by the Finance Member that 'the maximum contemplated by the reforms has now been nearly reached.' In the present budget, besides the provision of Rs. 5,22,000 for relieving the municipalities of police charges, there is a further provision of Rs. 1,05,000 in excess of the last year's revised estimate. I would like to get an announcement that the Police Reform Scheme in our Province has been completed for all ordinary purposes, and that there is no likelihood of a further increase of expenditure under this head.

"With regard to education, I have not only to repeat my remarks made last year, that expenditure on education has remained stationary for the last four years, and I have to notice with regret that out of the allotment under this head, Rs. 1,00,000 has not been spent, but allowed to lapse in the year 1910-11. This lapse has not only affected the cause of education in the year 1910-11, but has created a plea for curtailing the allotment on education in the budget of 1911-12. This does not appear to be justified when we have to consider the facts that 63 primary schools had to be closed, and that the Director of Public Instruction has said in his annual report: 'There are few signs of

[*Lala Sultan Singh.*]

progress in education owing to want of funds for building and teachers.' He has also enumerated several ready projects, costing an aggregate of twenty-two lakhs, when making an application to the Government of India for special assignments. When there are so many claims to be satisfied, it is surprising that the Director of Public Instruction should not be able to spend even the money allotted.

"As regards the observations made by the Hon'ble Mr. MANT during the debate on the Hon'ble Mr. SHADI LAL'S resolution, no one has denied that the expenditure on education had risen from 12½ lakhs in 1904-05 to over 22 lakhs in the following year; but what I wish to emphasise is that no material advance has been made since that time. And this year an evidently retrograde step has been taken by curtailing allotment. For the provision of four lakhs out of the special grant from the Imperial exchequer I would not give any credit to the Local Government.

"*Sanitation.*—Now as to sanitation, I again find that the full allotment has not been utilised. It was in 1908-09 that the Government of India made a special assignment for the improvement of sanitation in our Province. In the budget of the following year, i.e., 1909-10, three lakhs were provided for the purpose. Last year we were told regarding this that, as the schemes under preparation were not sufficiently advanced, the whole amount could not be spent, and 1½ lakhs were re-appropriated for other purposes. We find the same thing again in the budget under discussion, i.e., out of a provision of Rs. 4,59,000, the revised figures show a probable expenditure of Rs. 3,01,000 only. The Hon'ble Member in charge attributes this to the delay in the preparation of schemes. He has been telling us the same thing for the last two years, which can hardly be considered satisfactory, especially when *Delhi Bela* and *Amritsar Dhab* schemes were already under contemplation and only required development of details. By this delay one year has been lost, and in view of the urgency of these measures for the health of the inhabitants, this is no small matter. I hope the schemes will now be pushed forward with promptitude and brought to a conclusion within this year. The present condition of the *Delhi Bela* threatens to be more malarious than before. The embankment raised for the new road for the Darbar has left marshes and pools along the city wall, owing to the earth having been excavated for this road. Are all these going to be filled up on the city side, so that no water may accumulate between the new road and the city wall? I shall be thankful if detailed information could be given as to how the sum of 2½ lakhs, provided out of the Imperial grant of 5 lakhs for urban sanitary reforms, is to be spent. I trust Delhi will have a fair share in this special grant.

"While speaking on the subject of sanitation, I want to say something about the apathy and want of co-operation on the part of the people, which we have heard so often complained of. All this is due to the ignorance of the masses. People do not know even the elementary principles of hygiene, and thus resistance to sanitary measures, such as the use of quinine for prevention, of malaria, evacuation of houses, inoculation and disinfection, for prevention of plague, and disregard of municipal rules for improvement of sanitation, are the inevitable results. Therefore the real remedy lies in spreading elementary education among the masses, and thus by helping education we shall be helping sanitation.

"*Agriculture.*—Provision for agricultural improvement and beginning of an allotment for industrial development, though small, are welcome. I would like to take this opportunity of bringing forward the need of a Technological Institute for this Province. Your Honour is so deeply interested in the industrial progress of this Province that when considering the various schemes for the memorial of His late Majesty the King Emperor this scheme was suggested.

[*Lala Sultan Singh ; Colonel Parsons.*]

Hopes were entertained that it might be possible to found one large combined institute, both for the United Provinces and the Punjab. But I find, in the Government of India budget, a scheme for having a Technological Institute at Cawnpore has been sanctioned, and the funds for it have been provided. I therefore venture to commend to Your Honour a scheme for a Technological Institute for the Punjab, and I would further recommend Delhi as the most suitable place for its establishment on account of its being a great important centre for trade and industry. If ever it is decided to locate such an institution at Delhi, I may assure Your Honour that those who have the interest of that city and the Province at heart will not lag behind in supplementing Your Honour's endeavours in this respect.

"With these observations, I beg to express my cordial agreement with the budget, and thank Your Honour for the solicitude which Your Honour has always shown for the welfare of the Province committed to your charge and for the uniform courtesy and kindness to the non-official Members of this Council.

"Here I would like to avail myself of the opportunity to give expression to the feelings of joy and the sense of power and pride which the loyal residents of Delhi feel at the approaching happy event of the most auspicious ceremony of the Coronation Darbar which His Majesty the King Emperor has graciously decided to hold in this old Imperial city. Speaking on behalf of the people of Delhi, I may assure Your Honour and this Council that the people of Delhi of all grades and of all classes and creeds without distinction will not be backward in giving him a royal welcome."

The Hon'ble Colonel PARSONS :—"Speaking as a friend of the district boards and as a friend of the countryman as distinct from the citizen, I would like to say a few words. One-sixth of the district board budgets of the Province are passed by me, as a Commissioner, and I always pay great attention to the heads 'Education,' 'Medical,' 'Scientific Departments' and 'Civil Works.' In the budget before us under the first three heads there are 60 lakhs, and under the last 78 lakhs. In the district boards the proportion under the first three is generally greater than in the provincial one. Under the last head a great portion of the expenditure is on account of permanent establishment and inevitable expenditure on maintenance, and only a small portion goes towards the improvement of roads. On the other hand, great outlay goes towards what is known as education. Both education and sanitation now bid fair to become a fetish. Meanwhile, market produce is kept from being brought to markets owing to absolutely execrable roads. It has to be taken over streams where there should have been bridges.

"Are these people, I ask, represented in the Council? I have heard here a lot of speeches on education and sanitation, but never heard a word about the cultivator or the zamindar. There is no use building a school unless there is a road to go to it.

"One specific request I have to make to the Hon'ble Member in charge of the budget is to provide steam-rollers for district boards with long mileage. The boards have been now handed over certain roads, and it is impossible for them to keep them in order unless they have steam-rollers. I understand that they cost about 7 or 8 thousand rupees, and they cannot afford to buy them. I think this is entirely a provincial matter, and would be glad if the Hon'ble the Financial Member can find funds for them. Sanitation is an Imperial question. In this Council, however, it has become quite a catch-word by the side of education. We have spent a lot of money on sanitation in the town of Sāngla. Are they happy? Unless you spend three times the cost you would have to in Europe, you cannot get sanitation in this flat country. You cannot get sanitation as cheap as you can get it in England. I know of a case where the Deputy Commissioner moved the whole station from a flat on which it was built and placed it on the slope of a hill. Are you prepared to move whole towns?

[*Mr. Burt.*]

The Hon'ble Member to my right has been speaking of the Delhi Bela. The citizens never thought of it until it was noticed by His Honour the Lieutenant-Governor the other day, and now they are talking about it as a nuisance. They do not care about its being a nuisance; they wanted to lead back the river in its direction not long ago, in order to bathe at the ghâts, dedicated to gods; but they were not thinking of the god of sanitation."

The Hon'ble Mr. BURT:— "Your Honour, although the budget which is under discussion in this Council to-day does not directly, of course, deal with any figures relating to the revenue or expenditure of the North-Western Railway, still, Sir, seeing what an important part the railway plays in the welfare and prosperity, and especially in the development, of this Province, I have ventured to think that it may prove of some little interest to this Council, and that I shall not be unnecessarily occupying its time, if I take this opportunity to make a few general remarks about the Railway, just to show as briefly as possible what is being done in the way of providing increased facilities for the public, both as regards what I may call open line works, that is, works designed to strengthen and improve our position so as to enable us to deal efficiently with our traffic both in passengers and goods, and also as regards the construction of new lines.

"First then as regards open line works. During the last three years ending this last month we have laid out, on capital account alone, close on 6 crores of rupees in providing better facilities for existing traffic and in arranging to meet the development of traffic which is so steadily going on, and in which, of course, the extension of irrigation in this Province plays so important a part. In addition to the capital expenditure, very large sums have been charged off yearly, on the same account, to the working expenses of the railway. I have taken the last three years because that period has been one of very special activity as regards what has been done in the direction I am now referring to. I should weary this Council if I made any attempt to enumerate the important open line works which have been put in hand, and to a large extent completed, during the period in question, but they include, amongst others, additional rolling stock, especially improved passenger stock which will enable us before very long, I hope, to provide better and more comfortable carriages for our branch line services, re-arranging important station yards, doubling the line, enlarging the building and repair shops and strengthening the bridges for the heavy engines now running on the line.

"I may mention that we have now a double line all the way from Lahore to Ambála which will be opened throughout in a few weeks' time. Amongst other things, this will enable the Railway Administration to improve the passenger service on that busy link, which could not be done while the track was single. During this year we shall be working hard at the doubling on to Saharanpur. Then we still have to tackle the section from Lahore to Râewind, where the traffic is now very heavy, and provision for doing this has been made in this year's budget. Then the Railway Board have already approved of estimates being got out for doubling the entire length from Rohri to Kotri, so that we may be ready to deal with the heavier traffic on that portion of the line, which will certainly come with the completion of the irrigation projects now in hand and contemplated. There will, when that doubling is completed, be a continuous length of double track from Lodhrán to Karáchi, a distance of 522 miles, Lodhrán being the point where most of the traffic from the different parts of the Punjab is gathered into one main route to the Port of Karáchi.

"I have specially referred to the heavy expenditure which we have incurred on open line works, so that Hon'ble Members may realise, from the largeness of the amount we have spent on that account, how much has lately been done to improve the carrying capacity of the different sections of the North-Western Railway serving this Province. I have another reason for emphasising how

[Mr. Burt.]

much has been lately spent on improvements, and it is this. It has naturally led in the case of the North-Western Railway, as with other railways, as we have all lately been devoting our attention to putting our houses in order, to some curtailment of the programme for the construction of new lines. Obviously when such enormous sums have had to be set aside solely for open lines, the Railway Board have not been able, during the past year or two, with the resources at their disposal, to allot further large sums for extensions, and I am sure it will be agreed that it was sound policy to make existing lines as far as possible capable of meeting trade demands, before building new extensions and branches, which in most cases would have put more traffic on the open lines, when those lines had, at the time some, little difficulty in dealing with their existing traffic during the busy seasons of the year. Money will still, of course, have to be spent on improvements, as there is no standing-still in railway business; but we have taken the requirements of the immediate future so fully into our calculations in what we have lately done, that expenditure on the open line is now for the time being diminishing, and this has enabled the Railway Board to make a larger grant during this year for the construction of new lines. Our allotment for this purpose for this year stands at present at Rs. 6½ lakhs, and that provides for the commencement of work on the Serai Kāla-Haveliān line, 35 miles in length, which is the first section of the Kashmir Railway, and on the Jakhal-Hissar line, 56 miles in length. It provides for continuing work on the Kālabāgh-Bannu line, which will probably be finished in 1912-13, and for completing the connection between Shorkot Road and Chichoki, which will be opened throughout for public traffic by, I hope, the 1st of next month, in time, that is, for the export traffic. Then I am hoping to receive orders any day now to start work on the Jullundur-Hoshiārpur line, and to receive an extra grant for that work, and that line, the construction of which has been deferred for so long, will, I am sure, be a paying concern. Then during this year there is every prospect, I understand, that the Southern Punjab Railway Company will undertake the construction of the Jullundur-Doab lines which will run from Ferozepore *via* Sultānpur to both Jullundur and Phillaur. This is, Sir, a liberal construction programme, and the completion of all these lines will give a very appreciable addition to the railway communications in Northern India. In referring to the lines which are likely to be taken in hand at once, I should mention that, in accordance with a recommendation of the Punjab Government, Messrs. Rocha Ram & Sons have been given a concession, under branch line terms, for the construction of the Mandra Bhon Branch, 47 miles, which is estimated to cost about 33 lakhs. They have set a good example to others in the matter of private enterprise, and I have no doubt that their venture will eventually prove to be a profitable undertaking.

"We have another excellent example of private enterprise, in this case on the part of the Bahāwalpur State, which has provided the funds, some 15 lakhs odd, for the construction of the Khanpur-Chachran line, which Your Honour formally opened the other day.

"Now as regards the future. The first line, which I personally think should be taken in hand as soon as funds are available, is the connection between Sāngla Hill and the important town of Chiniot. I would then strongly urge that that line should be extended to Sargodha in preference, at any rate for the present, to connecting Chiniot with Jhang. There can be no question, I think, that the Sāngla Hill-Sargodha line will be a useful addition to the colony lines and quite as remunerative. Eventually it might be extended to Shahpur and Khushāb, and it will then form an important alternative route between Lahore and the north. Then detailed surveys are just now being completed for a connection between Siālkot and Amritsar which will run through a most populous and fertile tract. This line will be constructed either by the North-Western Railway or by private enterprise. Unfortunately, however, I am

[*Mr. Burt ; Mr. Currie ; Sayad Mahdi Shah ; Mr. Godley.*]

afraid its cost will be heavy, as a good deal of bridging will be necessary, apart from the bridge over the Ravi. I am not sure in the case of this line that it would not be better to make the junction at, say, Batála instead of Amritsar, and then eventually to carry the line on to Hoshiárpur, as this would open out a larger tract of country than would be the case if the junction were made at Amritsar. This point, however, requires further consideration.

"Another line which should, I think, be undertaken before long is the branch from Phagwára, or better from Phillaur to Garhshankar *via* Nawashahr, which will, I feel sure, prove remunerative. And then there is no doubt that in the near future improved communications will be required in the Mardan district consequent on the extension of irrigation in that area.

"As regards new lines, I am only able now in the time at my disposal to refer to those which are likely to come to the front in the near future.

"In making these few remarks about the North-Western Railway, I trust I have not wearied this Council. I have only been able to deal with the subject on broad lines, and there are many other points connected with the Railway which I should have liked to have touched upon had time permitted. I hope, however, that I have shown, Sir, from what I have said about open line works and extensions, that the requirements of this Province in the matter of railway facilities are not being overlooked."

The Hon'ble Mr. CURRIE :—"I wish to endorse what the Hon'ble Colonel PARSONS has said about country roads. I do not, however, agree with him that the cultivator and the villager are not represented in this Council. I think that his case is taken keenly to heart by all of us when it comes to the front.

"In the matter of country roads I feel sure that this Council will do everything in its power to improve them. I think the improvements on country roads should be in proportion to energy put into the Province by the Railway Department. The very interesting figures and details given by the Hon'ble Mr. BURT encourage us to believe that if the country roads are improved, the railway traffic will be further increased. The cost of carrying one ton over the country roads is, I believe, equal to carrying a ton over ten miles of railway. Every lakh therefore spent in improving roads would mean an enormous benefit to commerce."

The Hon'ble Sayad MAHDI SHAH spoke in Urdu, a translation of which is as follows :—"I do not wish to add much to what has been already said by the Hon'ble Lieutenant-Colonel PARSONS ; but as the Chenab Colony is a new colony and roads have not been made up to the present owing to the insufficiency of the funds at the disposal of the district board, I beg to propose that a considerable sum be allotted for the metalling of the roads there. The Sánga stone is not good for this purpose, as it is sandy and wears out within a short time : limestone should therefore be used on account of its durability. It can be procured from Serai Kála and Hassan Abdál, but the railway freight for its carriage from those places is rather excessive. The Hon'ble Mr. BURT, Manager of the North-Western Railway, who is now present at this meeting, may be requested to reduce, as far as possible, the rates of freight for carriage of the last mentioned stone from those stations for the purpose of metalling the roads of the colony."

The Hon'ble Mr. GODLEY :—"I had no intention of speaking at this stage of the discussion, but a good many references have been made to education, and there seems to be a misunderstanding as to the position of the department in regard to the education budget. One Hon'ble Member said that there has been saving which should have been avoided, and that the education budget for 1911-12 has been curtailed in consequence. This is an entire mis-

[*Mr. Godley; Mr. Mant.*]

apprehension. It has been assumed that the revised estimate prepared by the Accountant-General gives figures which represent the actual expenditure for the year, but this estimate is only a forecast, based on the actual expenditure for part of the year, and at the end of the year the expenditure may be either below or above the forecast. In 1909-10 the actual expenditure exceeded the estimate by about half a lakh. It is incorrect, therefore, to infer from the Accountant-General's estimate that undue economy has been exercised. As a matter of fact, there has been no attempt to save money which ought to be spent on education. It is impossible to guarantee that educational expenditure shall cover the whole provision. There is a large number of minor heads in the budget under which there are small allotments, and the savings made by subordinate officers under such heads could not in any case be ascertained in time for them to be utilised by the Head of the Department. The Head of the Department, moreover, cannot spend more than what has been sanctioned by Government under the various heads of expenditure. Appointments may remain unfilled; a professor for whom provision has been made in the budget may not have been appointed by the Secretary of State; but it does not follow that the money so provided can be used otherwise, and I could not, therefore, guarantee that the whole allotment would be utilised. The Education Department does not differ from other departments in this respect.

"Then again it has been said that several projects are ready on which money ought to have been spent. Here, too, the position is not clearly understood. It was only in last February that the announcement was made that the Government of India was ready to assign a grant for educational schemes of a non-recurring nature, *i.e.*, for expenditure on buildings. A large number of building schemes have been awaiting the provision of funds for several years past. But it does not follow that these schemes could have been carried out, as funds have only just been made available, and the Public Works Department could not undertake to carry them out immediately. This does not imply any remissness on the part of those concerned. Schemes have to be carefully prepared, and schemes which are ready often require to be modified.

"This is the first year that there has been a chance of such schemes being taken in hand since I took charge of the department in 1907. Then I was unfortunately told that, owing to financial stress, expenditure on education would have to be restricted to the narrowest limits, and that all new schemes would have to be postponed. We are now, however, more fortunately placed, and I hope that we shall be able to make good use of the money placed at our disposal in the current year."

The Hon'ble Mr. MANT:—"When presenting the Revised Financial Statement for the year which has now begun, I pointed out that the discussion of that statement in Council had a practical object in that it gave Members an opportunity of proposing changes in the budget figures. The result of that discussion was so far infructuous that the Council did not recommend any changes, and the figures finally adopted in the budget are the same as were presented in the revised Financial Statement. But the time occupied in the discussion was not perhaps wasted if it brought home to Members the practical difficulties involved in framing a budget. We have first to estimate our resources, and then to determine, with the sanction of the Government of India, the amount that may properly be expended. It is perhaps a fortunate thing that our resources are considerably less than the demands made upon them, because this ensures a careful scrutiny of the demands both by the Government when the budget is in its initial stage and later by the Finance Committee when the provisional proposals of the Government have been formulated. The measures which survive that scrutiny and emerge in the Revised Financial Statement have had to submit to pretty severe competition. The selection between competing claims of this kind is not an easy

[Mr. Mant : President.]

matter, and the fact that this Council has endorsed our selection by recommending no changes in the budget must, I think, be a source of satisfaction to my colleagues on the Finance Committee as it is to myself.

"Turning now to to-day's discussion, it would seem at first sight that criticisms at this stage are unprofitable, as the budget figures have been finally fixed and nothing that we do to-day can alter them. But I do not think that this discussion either will be wasted, as it will afford us valuable assistance when we come to frame our next budget. In fact, this meeting, although its nominal business is the discussion of the present budget, is really concerned more closely with the future financial policy of the Government. It gives Members an opportunity of expressing their views, and the views of the sections of the community which they represent, as to the measures that will call for further expenditure in the near future; and it gives the Government a forecast of the demands that will have to be considered in the next budget season. It is obvious that no promise can be given now as to the measures that will find a place in the budget for 1912-13, but I can assure Hon'ble Members that, when the time for framing that budget comes, the proposals which they have advocated to-day will receive the careful consideration of the Government.

"The Hon'ble Mr. SHADI LAL has referred to the limitation on the powers of the Finance Committee to the unallotted expenditure. I would point out that this is really the important part of the budget. Provision has to be made for standing charges and for new sanctioned or absolutely necessary measures. It is only when you come to the balance available over and above these necessary charges that there is room to pick and choose, and it is here that the Finance Committee comes in. Previous to that the budget is mostly spade work, and, I may say, pretty heavy digging. Personally I welcome the Finance Committee as the bulwark behind which the Financial Secretary can take refuge if necessary when the demands from the spending departments become too pressing; and I think I may promise on behalf of the Government to look into the question again whether the assistance of the Committee can be invoked at an earlier stage.

"Reference has been made by the Hon'ble Mr. SHADI LAL and the Hon'ble Lala SULTAN SINGH to the sanitary grant made by the Government of India not having been fully spent. I explained in the memorandum appended to the Financial Statement that we were given a lump grant of 21 lakhs on the 1st of April 1905 to meet all future plague charges, and that this has all been expended. Later on, we were given the recurring grant of 4 lakhs to which the Hon'ble Members refer. This was to be devoted to sanitary measures, especially those designed for the prevention of plague. Now our plague expenditure is not recorded under the minor head *Sanitation and Vaccination*, but falls under the minor head *Grants for medical purposes*. In the revised estimate for 1910-11 Rs. 4,40,000 are shown under the latter head, and in the budget for next year 3'75 lakhs have been provided. The greater part of the money provided under this head is spent on plague measures, and if this expenditure is added to that falling under the head *Sanitation and Vaccination*, it will be seen that the total is considerably in excess of the Government of India assignment, and I do not see how it can be said as was suggested by one of the Hon'ble Members that this assignment has been in any way deflected to other purposes.

"Another question raised was with regard to police expenditure. The Hon'ble Lala SULTAN SINGH wants to know when we shall come to an end of the increase in expenditure entailed by the police reform scheme.

"I hope that we have practically reached the end in so far as the increase of pay of the police is concerned. The increase in expenditure provided in the budget is not on account of increased pay. At present the police force is under its sanctioned strength, and we have had to provide for the strength as it will

[*Mr. Mant; President.*]

stand next year. The increase is due to additional recruitment and also to the necessity of providing for extra police owing to railway extension.

"Mr. GODLEY has dealt with the educational grant, and I need add only one remark to what he has said. The additional grant of 4 lakhs has been treated by Hon'ble Members as something outside the budget, and as if it was not to be spent on objects for which the educational budget ordinarily provides. This grant was specially made by the Government of India on the representation made by His Honour as to the local needs of the Province. These needs have long been recognized, and we have been meeting them as far as possible from our ordinary grant. The additional grant now made will enable Mr. GODLEY to spend money more freely on objects for which he has not hitherto had sufficient funds. It should not be regarded as a special grant for extraordinary purposes, but rather as supplementary to the ordinary budget.

"With regard to industrial education, we have been pressed to make a start, and I may say that a start has already been made in several directions, notably in the construction of the Engineering College. But with regard to the Industrial Conference, I must observe that there was absolutely no unanimity as to the lines on which we should proceed, and although the Conference was a representative one, it left it to Government to appoint a committee to decide what was to be done in the matter of industrial and technical education. It is surely unreasonable to ask us to rush ahead when the representatives of the commercial community do not agree as to what they want. Government will have to provide all the funds required, and must see its way clearly before it embarks on schemes involving large expenditure."

His Honour the PRESIDENT :—"Personally I do not wish to cover the ground which we have gone over on previous occasions, but matters dealt with before have been discussed again, and so I will say a few words.

"I am glad to see that Hon'ble Members are very pleased with the satisfactory conditions of the provincial finances as shown in the budget this year. I should like to say that this position has not been attained without hard work on the part of the Local Government.

"When I was placed in charge of my present appointment, through causes which I need not particularly mention, the provincial revenues on all sides were in an unsatisfactory state, expenditure had been excessive, there had been years of famine immediately preceding, plague had been rife, and the illness of Sir Denzil Ibbetson had caused things to be hung up for the time being. The result of all these causes was that the Punjab Government was practically bankrupt. Nearly one-third of the revenue of the Province was suspended and in arrears.

"Now some Hon'ble Members point out that the expenditure on education rose from 12 lakhs to 23 lakhs in 1905-06, and after remained stationary, arguing therefrom that education is being inadequately financed. As to this, I would point out that in the first heyday of the new Provincial Contracts large expenditure was incurred on education and public works, larger perhaps than the situation warranted, but this increase could not be continuous and the reason was that immediately after the increase a period of scarcity and famine set in. Revenue was not coming in owing to suspensions, and so we were budgetting for deficits steadily from year to year, contrary to all financial rules. In consequence of this, instructions were issued to Mr. GODLEY, and in fact to all departments, that, till the provincial finances were put on proper footing, all expenditure must be confined to obligatory expenditure, and that all additional recurrent expenditure must be avoided. Until this year we had absolutely no money except what was barely sufficient to

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meet the obligatory charges of establishments, &c. ; so increased expenditure on education or any other head was impossible. Now we are in a happier position, and no doubt more money will be available for spending on education and sanitation. Mr. GODLEY has explained to you the reasons of the lapses that occurred in his department. Our financial rules are very rigid, and no spending over the budget allotment is permitted, while it is not always possible to say beforehand where lapses will occur.

"Now turning to other points, I should like to thank Mr. BURT for the very lucid account of the work done by the North-Western Railway in this Province, which he has given us. You are all aware that the Railway expenditure is excluded from the purview of the Local Government, and we are all the more grateful to him for going out of his way to give us this account of what his great administration has accomplished and what its aims for the future are. It is also satisfactory to hear that the North-Western Railway cordially endorse the schemes put forward by the Local Government for Railways from Sängla to Chiniot, Sargodha and Khusháb, from Amritsar to Siálkot, and from Mandra to Bhon.

"It is a pity that the arrangements for carrying out of the Jullundur Doab Railway by local private enterprise fell through. It is, however, a source of satisfaction that the Jullundur-Hoshiárpur section will be carried out by the State. The success that has attended the enterprise of different Darbars in opening railways in their territories will, I trust, encourage private capitalists to come forward. I think I am correct in saying that, excluding the purely strategical lines, there is not a single line in the Punjab that is now paying less than 8 per cent. If that interest is not sufficient to induce Indian capitalists to invest in what is a most sound and permanent investment, all I can say is that the rate of interest which they get elsewhere must be enormous.

"I am glad to think that the line from Mandra to Bhon is to be carried out by a local capitalist, and this may encourage others.

"The Hon'ble Rai Bahadur HARI CHAND alluded to the subject which is always before Government, the question of raising the pay of lowly paid servants of Government, especially in the educational and general branches of the public service. I can only say that an enquiry is in progress at the present moment as to how we can most usefully lay out the two lakhs which we hope may be available for this purpose, and I trust that Mr. Mant will be able to frame satisfactory schemes. The claims of all departments will have to be considered, as we cannot recklessly throw away money on any one particular department.

"Then as regards the increasing expenditure on the Police Department. I may say that I have done my very best to curb this expenditure. I refused to embark on a somewhat expensive scheme for a training school in the vicinity of Lahore, as the Phillaur Training School was sufficient for our purposes. But I am sorry to say that we have not reached the limits of the expenditure on the police as laid down by the Police Commission. For example, we have not yet filled up all the appointments of Deputy Superintendents. The Indian Members of the Council should be in full sympathy with this scheme, which was proposed to give a larger share of employment in the force to educated Indians of good social position in order to obviate the malpractices and other unfortunate contretemps which are brought to light from time to time. Still even as it is I do say that on the whole the Police Force in India and particularly in the Punjab is an excellent body, and is in considerable advance of the general morale of the country. I have every reason to hope that with their improved pay and prospects both the Indian and European members of the Police Force will have no reason to say that they are badly paid, and so will take a proper pride in their position and sternly put down all such malpractices.

[*President.*]

"Regarding sanitation. We are paying the salaries of the Health Officers at Lahore and Amritsar from the sanitary grant. The Delhi municipal committee refused to accept such an officer for reasons best known to themselves. It is perfectly true that we have not been able to carry out all the improvements contemplated at Delhi, Lahore and Amritsar. I myself do not understand why there has been such delay. As Mr. Gordon knows, in season and out of season I have made enquiries why we cannot go ahead at Amritsar. The difficulty is that Amritsar lies in a hollow, and we cannot get the water out. Possibly we may have to fall back on a very expensive scheme for pumping by electrical power.

"The case of the Delhi Bela is similar. A road has now been constructed by the Darbar Committee which has added to the difficulties of the position. In connection with this there has been an acute discussion for the last four months between the Sanitary Engineer and the Sanitary Commissioner as to the best means of draining the Bela. These sanitary experts have been at daggers drawn on a very moot point as to how this should best be done. However, we now hope to make a commencement not only on the Civil Bela, but also on the Military Bela.

"Mention has been made of a Technological Institute, which I am afraid is rather a high-sounding name that specially appeals to some classes. I have had the advantage of a conversation with the Director of the Research Institute at Bangalore. He strongly urged that we should leave a Technological Institute alone unless we can equip it thoroughly and have large sums to spend on it. I thought that it might have been a good thing to connect the starting of such an institute with the Coronation Darbar, and that we might have been able to combine the interests of the United Provinces, Rajputana and Central India in one institute located at Delhi, corresponding to the one at Bangalore. I spoke to Sir John Hewett on the subject, and he was in sympathy with my views to some extent; but, as the Government of India had already decided to give some lakhs to a smaller Institute at Cawnpore, to which he himself was committed, he could not agree to such a combination.

"As to the unfortunate town of Dera Ghazi Khan, I observe that the Hon'ble Nawab Bahram Khan has made some very practical suggestions which will receive my early attention.

"With regard to what has been said by the Hon'ble Mr. MAHDI SHAH and Colonel PARSONS, I may say that both suggestions have been anticipated. My sympathies are with the cultivator, for whom roads are essential, and I am glad to think that steps have already been taken by the Local Government about a month ago to make steam-rollers available to the district boards at once. As the feeder roads were transferred from the Public Works Department to district boards, it stands to reason that the steam-rollers supplied to the Public Works Department for these roads should be available for loan to the district boards. I also held that extra help given in future to district boards in this way is better than money grants which may be dissipated on unnecessary establishments.

"As regards stone metal, I agree that we should utilise it in preference to kankar, the supply of which is becoming exhausted, and which is much required for hydraulic lime in our large irrigation works. I am accordingly doing all I can to further the use of stone metal. We have already asked the Railway Company to carry stone metal at reduced rates, especially when the railway trucks are not being fully used. I hope Mr. BURT will give this point his full consideration. We have great claims on the North-Western Railway. Every extension of that system imposes on us an additional charge for policing the line. Then we have to build new tahsils, police stations, schools and dispensaries, and last but

[*President.*]

not least roads, as the country is developed by the railway. All that we spend in improving our road communications goes to increase the traffic of the railway. We do not grudge this, but it must be borne in mind that our income rises very slowly, while the Railway and the Government of India are benefitted immediately by the returns on increased freight. The Government of India also gets increased customs revenues, but while we start the colonies and lay out money on them, we have to wait for our profits, as our provincial income can only be raised at long intervals, which Hon'ble Members desire to see even longer, and in this I am in full accord with them so far as the lengthening of the term of settlements is compatible with the just claims of the public purse. The question therefore of the carriage of road metal at very low rates deserves every consideration at Mr. BURT'S hands. The Railway receipts may suffer in the beginning, but in the end the profits will be greatly increased by the extra traffic brought in by additional and better roads, which will also be a great convenience to the country.

"The Hon'ble Lala. HARI CHAND expressed the pleasure evinced by the people at the Viceroy's visit to the Punjab. I am very glad to inform the Council that Their Excellencies were well satisfied with their visit and with the reception they received at Lahore. I am glad to say that the experience of Their Excellencies Lord and Lady Hardinge was only the same as that met with by Lord and Lady Minto, who went so far as to say that Lahore at this time of the year was the most beautiful and interesting city of any that they had seen in India.

"Hon'ble Members have made happy references to the coming event which will be one of greatest glories realised in the Punjab. That is the announcement of the Royal Coronation to be held at Delhi. I now wish to allude only to one point. Perhaps I may be revealing an official secret, but I think the occasion justifies it. Last summer it was very much questioned whether the people of India would appreciate a Coronation Darbar either at Delhi or any other part of India. I ventured to say that if no Coronation Darbar were held in India, the people and Princes of India would regard it as a slight. I went further and said that if by any happy chance His Majesty announced his intention of holding such a Darbar in India in person, it would evoke an outburst of the greatest enthusiasm and patriotic devotion. I am happy to find that my forecast has been fully borne out, but I am still happier to think that the actual announcement was due entirely to the spontaneous thought of His Majesty himself. It is very satisfactory to all of us Punjabis to see that His Majesty has selected Delhi as the place where His Royal Coronation Darbar is to be held, and that he is coming out personally, and I am sure that each and every one of us will strive to make the happy event a complete and glorious success.

"With these remarks I declare that the budget for the year 1911-12 is passed."

ADJOURNING.

The Council adjourned *sine die*.

The 11th April 1911. }

T. P. ELLIS,

Secretary, Legislative Council.

PUNJAB GOVERNMENT.
LEGISLATIVE DEPARTMENT.

Abstract of Proceedings of the Council of the Lieutenant-Governor of the Punjab, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 to 1909.

THE Council met at the Council Chamber, Barnes Court, Simla, on Wednesday, the 13th September 1911, at 11 A.M.

PRESENT :

His Honour Sir LOUIS WILLIAM DANE, K.C.I.E., C.S.I., I.C.S.,
Lieutenant-Governor, *presiding.*

The Hon'ble Mr. JOHN CORNWALLIS GODLEY, M.A.

The Hon'ble Malik MUBARIZ KHAN.

The Hon'ble Mr. JAMES MCCRONE DOUIE, C.S.I., I.C.S.

The Hon'ble Mr. ROBERT HUMPHREYS, I.C.S.

The Hon'ble Mr. MICHAEL WILLIAM FENTON, C.S.I., I.C.S.

The Hon'ble Khan Sahib Sayad MAHDI SHAH.

The Hon'ble Mr. JAMES CURRIE.

The Hon'ble Khan Bahadur Khwaja YUSAF SHAH.

The Hon'ble Mr. JAMES THOMAS FARRANT.

The Hon'ble Mr. HENRY PARSALL BURT, C.I.E.

The Hon'ble Sardar PARTAP SINGH, Ahluwalia, C.S.I.

The Hon'ble Khwaja AHAD SHAH.

The Hon'ble Rai Bahadur HARI CHAND.

The Hon'ble Mr. ARTHUR MEREDITH, I.C.S.

The Hon'ble Khan Bahadur Mian MUHAMMAD SHAFI, Barrister-at-Law.

The Hon'ble Mr. HENRY PHILLIPS TOLLINTON, I.C.S.

The Hon'ble Mr. REGINALD ARTHUR MANT, I.C.S.

OATH OF OFFICE.

The Hon'ble Mr. FARRANT before taking his seat, took the prescribed oath of his allegiance to the Crown.

[*Mr. Hari Chand ; Mr. Godley ; Mr. Douie.*]

QUESTIONS AND ANSWERS.

The Hon'ble Rai Bahadur HARI CHAND asked :—" It was resolved at the Punjab Industrial Conference held in February last in Lahore that the question of Industrial and Technical education be referred to a sub-committee appointed by the Government. Will the Government be pleased to state, for the information of the Council, whether the said committee has been formed ; if not, will early steps be taken to constitute one ? "

THE Hon'ble Mr. GODLEY replied :—" A small committee has been nominated by Government to enquire into the question of industrial instruction. The members are—

The Director of Agriculture and Industries.

Khan Bahadur Shaikh Ghulam Sadiq, of Amritsar.

Mr. J. Ashford, Superintendent, Central Workshops, Amritsar.

Lala Gobind Ram, of Messrs. Hari Ram and Sons, Rawalpindi.

The Director of Public Instruction.

"It is hoped that Sardar Bahadur Bhai Ram Singh, Principal of the Mayo School of Art, and Pandit Indar Kishan Kaul, of the Public Works Department, will also be able to attend some of the meetings. Mr. Wright, of the Education Department, will act as Secretary. It is proposed that the Committee shall meet in Lahore on the 16th October, and that the members shall subsequently visit some of the industrial centres with a view to making local enquiries."

The Hon'ble Rai Bahadur HARI CHAND asked :—" Has the attention of the Government been drawn to the series of articles that appeared in the *Tribune* complaining of the anomalous and disquieting results of the Punjab Land Alienation Act. If so, will the Government be pleased to let the Council know what steps are in contemplation for their removal ? "

The Hon'ble Mr. DOUIE replied :—" The criticisms of the *Tribune* on the Land Alienation Act cover a large field. But the main charges can be reduced to two—

(a) the Act has entirely failed in its objects,

(b) the Act is pro-Muhammadan and anti-Hindu.

In support of the first a statistical stick, which I myself supplied, is used to beat the Act. I shall refer to it in answering the second question. I do not think it is a very formidable weapon. Again, it is alleged that the Act is being largely defeated by benami transactions, that it has increased, and not diminished agricultural indebtedness, curtailed the credit of the zamindars, and in many cases lowered the value of land. The large zamindar land-owner is getting all the benefit of the legislation intended to save the poor ryot. The Act is a piece of sectarian legislation because the number of Hindu tribes gazetted is very small (I remark in passing that that is an astounding assertion, in face of the figures I supplied to the Hon'ble Member at a former meeting of this Council), while the recent extension of the Act to tribes such as Gaur Brahmans is marred by the fact that they are put in a group by themselves. Muhammadans such as Sayads and Kureshis are included in the lists of

[*Mr. Douie; Mr. Hari Chand.*]

agricultural tribes, while many Hindus, whose hereditary calling is agriculture, are excluded. The Act has been disastrous to the Hindu community who cannot buy land to build a house, a temple, a dharmshala, a hospital, a school, or a factory. It was afterwards admitted that some recent orders had been overlooked when this sweeping assertion was made.

"The true remedy was not to restrict alienation but to help the zamindars to pay their debts. Finally, the appointment of a mixed commission to consider the whole question of agrarian legislation and the increasing expropriation of the smaller agriculturists was recommended.

"The Hon'ble Member in this question does not ask me to reply to this long indictment. He assumes that it is proved, and asks me to say what steps are in contemplation for removing 'the anomalous and disquieting results' of the Act. The charge of sectarianism has been amply refuted before, both inside and outside this Council. I shall have something more to say about it in replying to questions 4 and 5. The arguments put forward to prove the failure of the Act possess little weight. The Hon'ble Member has asked a question as to one of them. It is open to him to raise the other matters urged against the success of the Act by action in this Council if he thinks there is any case. Meanwhile I need only say that the Government emphatically denies both the charges. It considers that the Act has been a most beneficent piece of legislation, that it has not failed in the past, and will not fail in the future, to attain its real objects. It regards the charge of sectarianism as unfounded. It has shown its readiness to amend the instructions regarding the working of the Act when it could be alleged that they hampered trade. But it has no intention of modifying the provisions of the Act itself. And no changes will be introduced into the instructions which are calculated to defeat its beneficial action. The Lieutenant-Governor has no intention of appointing a mixed commission of enquiry. The Council is the proper place for the discussion of any alleged grievances. I am glad to say that our rules of business give Hon'ble Members ample opportunity of obtaining information and my Hon'ble friend has not failed to avail himself of the facilities afforded. It is open to him to obtain a discussion as to the alleged failure of the Act by moving a resolution or by bringing forward and amending or repealing Bill. If and when the Bill is introduced I shall be in a land whose press does not devote that amount of attention to the affairs of the Punjab and the debates of its Council which their importance deserves. Otherwise, I confess, I would watch with interest, not unmixed with amusement, the reception which the Bill will receive at the hands of some of the Hon'ble Member's Indian Colleagues and at those of the landowners of the Punjab."

The Hon'ble Rai Bahadur HARI CHAND asked:—"In reply to a question put by me at the Council of the 16th March last it was stated that the protection of the hereditary land-owning tribes from expropriation by money-lenders and tradesmen was the true object of the Act. In view, however, of the statistics given in Statement V of the latest Punjab Administration Report that there has been a net loss of over 15,000 acres to the agricultural tribes, will the Government be pleased to consider the necessity of any modification of the Act so that it may conform to its real object?"

The Hon'ble Mr. DOUIE replied:—"There is a mistake in the figures for which the Hon'ble Member is not responsible. The redemptions from, exceeded the redemption by, persons not scheduled as members of agricultural tribes by 4,919, not by 3,919 acres. What is called the net loss on all transactions is therefore 14,000 acres, not 15,000 acres. The particular calculation presents only a partial view of the question, and is based on statistics as to the classes from whom land was redeemed collected for the first time, and relating to a single year.

[Mr. Donie.]

"Accepting them as correct they show a net gain to non-scheduled persons of some 500 acres on the average per district in the year referred to. Does the Hon'ble Member suppose that that amount of expropriation occurring, let it be remembered, under mortgages, and not under sales, is for a moment to be compared with the rate at which expropriation was proceeding before the Act came into operation ?

"In the last five years members of agricultural tribes have bought on the average 5,637 acres yearly more than they have sold, and the proportion of land bought by them to total sales has steadily risen from 66 per cent. in 1905-06 to 77 per cent. in 1909-10. For the same period the average excess of mortgages to non-agriculturists has been 18,587 acres, but only one-fourth of the mortgages have been in favour of this class. Except in cases in which the Act has been evaded these are temporary statutory transfers which will be automatically redeemed after a limited period without any further payment. I think the following figures are significant :—

Average area sold—

	<i>Acres.</i>
(a) In three years before Act came into force ...	398,672
(b) In three years ending 1909-10 ...	248,305

Average area mortgaged—

(a) In three years before Act came into force ...	603,894
(b) In three years ending 1909-10 ...	301,539

Average area redeemed—

(a) In three years before Act came into force ...	412,813
(b) In three years ending 1909-10 ...	412,763

"The statistics on which these figures are based are drawn from figures of sanctioned mutations, and the first sets of figures probably include more old transactions than the later ones, because our record work is more up to date than formerly. But that does not affect the main result that sales have decreased greatly and mortgages still more, while redemptions now annually exceed sales. There is good reason to believe that the total mortgaged area is shrinking. That is the general conclusion to be drawn from the figures given in column 2 of Statement VII in the Land Revenue Administration Report of 1909-10. It is also the conclusion I have arrived at by examining the statistical return No. VI in my tahsil inspections. I cannot offer any very satisfactory explanation of the rise in the year 1909-10 as compared with 1908-09 in face of the continued excess of redemptions over mortgages. The Hon'ble Member will find some remarks on the subject in paragraph 5 of the Report. I can only suggest that he should wait for further information till the report for the current year is issued. The Government is of opinion that the Act has conferred great benefits on the land-owners of the Punjab, and that they value it very highly. I may perhaps give the Council one little bit of evidence on that point. Some land-holders in an insecure part of Rawalpindi were complaining to me as they walked beside my horse of the difficulty they experienced in raising money. I replied 'I know that. It is all due to that horrid Act. Let us get rid of it.' The reply was prompt 'Nahin, nahin, sahib, bhukh changa hai.' 'No, no, hunger is better than that.' I think the Hon'ble Member will get a similar reply if he makes the same suggestion to the zamindars of any Punjab district. The Government considers that the Act is fulfilling its object, and as I said in reply to the first question the Government does not propose to modify it in any way."

[*Mr. Hari Chand; Mr. Douie.*]

The Hon'ble Rai Bahadur HARI CHAND asked :—

- " (a) Will the Government be pleased to state, for the information of the Council, on what principles the notification of agricultural tribes under section 4 of the Punjab Land Alienation Act was made ?
- " (b) Was the notification so made because it was deemed, as remarked by the Hon'ble Messrs. Justices Robertson and Rattigan in 5 Punjab Record, 1906, 'politically or otherwise expedient,' or because the tribes conform to the customs and habits of agriculturists in the Punjab ?
- " (c) Is Government aware that in many cases tribes found by the Chief Court not to follow the customary law of agriculturists have been notified as agricultural tribes ? "

The Hon'ble Mr. DOUIE replied :—" I have purposely gone into details in this question because of the amount of misconception. I do not say misrepresentation but misconception of the reasons which have guided us in scheduling agricultural tribes.

" The original schedules of agricultural tribes were drawn up in 1901. I can best answer the Hon'ble Member's question by reading to him extracts from notes by the Settlement Commissioner of the day, Mr. (now Sir) James Wilson, and by the Financial Commissioner, the late Sir Lewis Tupper, and from a letter with which the Punjab Government submitted the lists to the Government of India.

Extract from Mr. WILSON'S note.

" One point to be kept in mind is that the classification now to be made is not necessarily a final classification. * * *

* * * We should, I think, be content at first to work on broad lines, leaving our successors to introduce more minute distinctions hereafter if experience shows them to be required. On this ground I would notify no tribe as an "agricultural tribe" until very good reason had been given for doing so, and in case of doubt would omit it from the notification.

" Certain tribes may at once be disposed of as being nowhere "agricultural tribes," though some members of them may have adopted an agricultural life, such as the Baniyas, Khattris, Aroras, Pirachas, and other tribes whose general occupation is shop-keeping, trading, or money-lending. Such tribes should certainly nowhere be notified as "agricultural tribes". * * *

" Again, the artisan and menial classes, such as blacksmiths, carpenters, weavers, Chamars, Mochis, Chuhars, Musallis, Mazbhis, &c., should certainly be excluded. In many parts of the province it is becoming common for the better and more thrifty artisans to acquire a little bit of land of their own, and this tendency is on the whole to be encouraged. But the connection of such men with the land is nowhere such as to render it desirable to bind them to the soil, and they should be left free to alienate their plots as readily as they have acquired them; and so far as it is desirable to encourage the acquisition of plots of land by members of the artisan and menial classes from agricultural tribes, this can be done by giving special sanction in individual cases.

" There are again a number of tribes which should certainly be notified as "agricultural tribes" throughout the Punjab, such as the Jâts and Jats, Rajputs, Pathans, Bilochis, Awans, Meos and others which are everywhere true agriculturists, though some individuals belonging to them may have taken to trade or money-lending * * *

" There remain a number of tribes regarding which some doubt may exist * * *

* * * " I would so notify all tribes of the market-gardening class, such as Arain, Mali, Baghban, Saini. * * * They are true agriculturists and excellent farmers. In many parts of the province they own considerable areas of land, and it is desirable to strengthen their hold on the land as much as possible.

[Mr. Douie.]

"Another doubtful class are the Mussalman religious classes, such as Sayad, Kureshi, Bodla, Chisti, Mahtam. These tribes are generally poor managers and very ready to part with the lands, which in most instances their ancestors have acquired by gift in recognition of their sacred character. If it is desirable to maintain their possession of their land, they require protection almost more than any other class. They are generally very poor agriculturists, but they often own large areas, they do not lend money on interest, and for political reasons they should be protected. I would notify them as agricultural tribes.

"The Brahmans are large owners of land only in the Delhi division. (In this Mr. Wilson was mistaken.) Elsewhere they generally own only small plots of land gifted to them on account of their sacred character, and are not true agriculturists. They are not in any great danger of losing their land, they often lend money on interest, and acquire the land of true agriculturists. I at first thought of proposing that they should be notified as an agricultural tribe in the Delhi division only, but as this is the only tribe for which a notification by locality seems at all necessary, I would omit them altogether for the sake of simplicity. It is more important to save other tribes from the Brahman money-lender than to save the Brahman land-owner from expropriation. The Tagas, however, who, though they claim a Brahman origin, are true agriculturists, should be notified. (Tagas have as a matter of fact been notified.)

"Jogis, Gosains and Bairagis rarely own large areas. They almost always own small plots gifted to them and which they are not likely to lose. I would not notify them. There is a broad difference between religious tribes of Mussalman and Hindu origin. The former are usually borrowers rather than lenders, own large areas as landlords of some standing, and are apt to part with their land to Hindus, while the latter often lend money at interest and are more likely to acquire than to lose land. I have therefore proposed to notify the Mussalman religious classes, while omitting the Hindu religious classes.

"It will be seen that great doubts are entertained everywhere as to whether Shaikhs should be notified or not. Some of them are similar in character and position to the Sayads and Kureshis, but many of them are of very doubtful origin, and taken as a class it is not desirable to encourage them as land-owners. I would exclude them altogether."

"I dare say Hon'ble Members know this policy has been consistently maintained. Shaikhs have been generally excluded, and this is a sufficient answer to the assertion the Act is sectarian."

Extract from Sir LEWIS TUPPER'S note.

"In the whole subject therefore both of enumeration and grouping, it is important to consider as regards each tribe whether the *samindars* of that tribe are more frequently mortgagees than mortgagors, or whether the tribe contains at any rate a considerable proportion of probable mortgagees. The same considerations apply in a modified degree to sale. Are the members of the tribe more likely to be vendors or vendees? If mortgagors or vendors for necessity or extravagance, they need the protection of the Act. If mortgagees or vendees, it is probable that other tribes may need protection against them. If mortgagors or vendors for merely commercial purposes, they do not need any protection at all."

"The reasons for excluding Shaikhs (other than Kureshis and Ansaris) will be seen in Mr. Kensington's note, dated 22nd December 1900, and in paragraph 501 of Mr. Ibbetson's Census Report. Shaikhs are not really a tribe at all. The class includes converts who may in origin be Jats or Rajputs or even sweepers. I do not think they require protection, and the pushing acquisitive habits of many of them render it desirable that the true agricultural tribes should be protected against them. Where Shaikhs, however, are true Kureshis of influence and sanctity, as in the south-western districts, or are Ansaris (otherwise known as Muhajarin), as in the Karnal district, they require protection as religious Muhammadan tribes for the reasons given by Mr. Wilson."

"Brahmans are more dangerous as mortgagors and vendees than themselves in danger as vendors and mortgagors. Brahman *sahukars* should certainly be excluded from our enumeration. For the present I would exclude Brahmans everywhere, and in the few cases where it has been proposed to include them I would call for a return by tahsils of the number of Brahmans holding land as defined in the Act and the acreage held by them. If it then appeared necessary to gazette them as agricultural tribes in certain tahsils, I would act accordingly. But in no case should they be grouped with any other tribe. Other tribes need protection against them, not they against others."

[Mr. Douie.]

Extract from Punjab Government letter No. 41, dated 16th April 1901.

" This letter represents the views of Sir Mackworth Young who, as I dare say you all remember, was not an enthusiastic supporter of this Act.

" " In the circular letter which forms the first enclosure to this letter the attention of officers was directed to the treatment of certain classes of tribes such as menial and artisan tribes and tribes of lowly origin, and the conclusions of the Lieutenant-Governor as to the selection of these as agricultural tribes may be briefly stated. Sir Mackworth Young agrees with the Financial Commissioner that menial and artisan tribes should everywhere be excluded from the list. Criminal tribes may be properly omitted everywhere * * * . As regards tribes of lowly origin the Lieutenant-Governor accepts the principle that such tribes need not be omitted from the list if they are sufficiently numerous and hold enough land. Special attention was also drawn in the circular to the important tribes of Brahmans and Shaikhs. The Brahmans of Kangra may need special treatment, but for the present His Honour agrees with the Financial Commissioner that Brahmans should not be classed among the agricultural tribes. As to Shaikhs also the Lieutenant-Governor is in accord with Mr. Tupper that with the exception of Kureshis they should be excluded from the list."

" An important question suggested for consideration in the circular letter above referred to was whether differences of religion should ordinarily be disregarded in enumerating agricultural tribes. The correspondence shows that there is generally no desire among officers to make any difference on this account, and the Lieutenant-Governor accepts as a general principle that tribes should not be included or excluded on grounds of religion.

" The Act permits the notification of each tribe as a separate group or the combination of two or more tribes in one group. The Punjab Government did not desire to restrict the market for land to a greater extent than was necessary to carry into effect the main object of the Act, and it therefore proposed to include all the agricultural tribes of each district in a single group. The Government of India agreed, though with some reluctance, remarking—' They desire that a careful watch should be kept on the effect on the interests of the smaller tribes of thus widening the market of free transfer. If it is found that the smaller tribes are losing their lands to the smaller tribes to any considerable extent, it will be necessary to reconsider the position.' So far such reconsideration has not been found necessary.

" The original lists have been added to from time to time. In the Land Revenue Administration Report I stated what I consider is the proper policy:— 'The net of inclusion in the list of agricultural tribes should be spread as widely as possible, consistently with firm adherence to the true object of the Act, namely, the protection of the hereditary land-owning tribes from expropriation by money-lenders and by persons whose hereditary occupation has been trade.' I have the authority of the head of the Government for saying that he accepts that as a correct statement of policy.

" There has been so much misunderstanding about the objects of the Act that I shall in conclusion quote from the speech made by Sir Charles Rivaz when he introduced it in the Imperial Legislative Council:—

" " 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 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 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. 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,

[Mr. Douie ; Hari Chand.]

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. In a letter addressed by the Punjab Government to the Government of India in 1888, during the Lieutenant-Governorship of Sir James Lyall, it was said that "after allowing for the greater accuracy of the statistics of later years, Sir James Lyall considers that the statements of sale and mortgages from 1866 to 1886 show a large gradual increase in the area sold and mortgaged in the Punjab," and that, "in both the east and west of the province there are districts where the transfers to money-lenders are serious and appear to be increasing, and where the fact requires Government to consider if a remedy cannot be found and applied." In the following year, His Honour the present Lieutenant-Governor, then Financial Commissioner, recorded his opinion that "the only safe conclusion is that there is year by year a gradually increasing amount of land being sold and mortgaged." These opinions have been confirmed as districts have come under settlement during the past ten years, and the question of transfers has been specially investigated by the Settlement Officers, while the enquiries made by Mr. Thorburn in 1895, to which I have already alluded, showed that in one out of the four circles, with which he dealt, the amount of the cultivated area which had been purchased or was held in usufructuary mortgage by money-lenders was as much as 28 per cent., while in another circle it was 20 per cent. These facts speak for themselves. The Punjab is pre-eminently a land of yeoman 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 hardships and glories of a military career, to spend their declining years on their ancestral acres—has, under the influence of conditions which have sprang 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.

"Whether a particular tribe of hereditary land-owners does or does not follow the general rules of customary law observed in the district is a matter of quite minor importance. The fact, for example, that Sayads in a district follow the Muhammadan law and not the village customary law in matters of succession is no reason for excluding them from a list of agricultural tribes, if they have a long hereditary connection with the land and depend mainly upon it for their livelihood."

The Hon'ble Rai Bahadur HARI CHAND asked :—"Will the Government be pleased to state, for the information of the Council, why some Brahman tribes recently notified are placed as a separate group? Was any objection raised to their being classed in the district group; if so, what was that?"

The Hon'ble Mr. DOUIE replied :—"In my reply to the Hon'ble Member's 3rd question I have quoted the remarks of Mr. (now Sir James) Wilson and of the Lieutenant-Governor of the day on the notification of Brahmans. The question of their notification in several districts was carefully considered when Sir Charles Rivaz was Lieutenant-Governor. Sir Charles Rivaz was opposed to notification. I quote from paragraphs 3 and 4 of the orders he issued on the subject:—

"3. As regards Kangra and Una, it is true that nearly the whole tribe, with the exception of certain sub-divisions, is agricultural in its pursuits, but there is nothing to show that Brahmans are losing land or need protection, whereas there are indications that, though not rapidly acquiring the land of others, the tendency is for them to acquire such land.

"4. The Lieutenant-Governor therefore is unable to approve of the proposals for the notification of Brahmans as an agricultural tribe in the areas above mentioned. He is indeed quite opposed to notifying Brahmans anywhere because he holds that no tribe ought to be notified which, although it contains more or less *bona fide* agriculturists, is not as a tribe a true agricultural one and which desires to come under the Act not for protection from professional money-lenders, but in order to obtain facilities for acquiring land from other tribes. These considerations apply to all Brahmans in the province not excluding the Kangra Brahmans with whom the Lieutenant-Governor has an intimate acquaintance."

[*Mr. Douie; Mr. Hari Chand.*]

" The question was recently reconsidered and the protection of the Act has been extended to—

- (a) Gaur Brahmans excluding Bohras in Rohtak, Gurgaon, Karnal, Delhi and four tahsils of Hissar.
- (b) Brahmans, excluding certain sub-divisions, deriving their livelihood only from alms or fees for religious services of five tahsils in Kangra.
- (c) Brahmans of tahsil Una in Hoshiarpur.
- (d) Brahmans of Rawalpindi.
- (e) Muhial Brahmans of Jhelum.

" In dealing with the case of the Gaur Brahmans of the Delhi division Sir James Wilson wrote—

" 'There are in the Delhi division a large number of Gaur Brahmans, who are truly agricultural in character and who therefore deserve the protection of the Alienation of Land Act, which they genuinely desire: on the other hand, there are many who are family priests or money-lenders and whose chief object is to be placed in a position to acquire the land of other tribes. Sir James Wilson entirely agrees with the general policy in regard to such cases laid down in Chief Secretary's letter No. 1852, dated 5th September 1906, and thinks it would be fatal to the success of the Act in the Delhi division and very unpopular among the true agricultural tribes, to notify the Gaur Brahmans as in the same group with other tribes. They would then, taking advantage of their semi-sacred character and their money-lending propensities, certainly get to work to acquire the land of true agriculturists and would be placed in a very favourable position to do so. He therefore strongly recommends that it be definitely ruled, and announced to them, that they will not be notified in the same group as other tribes.'

" It must be remembered that the motive for asking for inclusion in the list of agricultural tribes is often not merely, or perhaps mainly, the wish to be protected. It is felt that to be in the list gives a certain 'izzat', and in some cases increases the chance of admission to the army. When advising the notification of the Kangra Brahmans, I wrote :—

" 'As in the case of Brahmans in Una and elsewhere, the tribe should form a group by itself. The Brahmans of Kangra have no great need of protection. Notification in the way proposed will satisfy the social reasons for which notification is desired and at the same time will prevent Brahmans from ousting other tribes, though the Financial Commissioner does not believe there was much risk of their doing so in any case.'

" As Commissioner of Rawalpindi I considered the case of the Brahmans of Rawalpindi and Jhelum and concluded that the hill Brahmans of Rawalpindi are ploughmen and soldiers, and require protection, while the Muhial Brahmans of the plains of Rawalpindi and Jhelum are mainly soldiers and land-owners, while some are in civil employ and a few engage in trade, but apparently not in shop-keeping or money-lending. In this case also the Government decided that the tribes notified should form a separate group by themselves."

The Hon'ble Rai Bahadur HARI CHAND asked :—" In Sir William Rattigan's Customary Law it is stated in the footnote of the preface, page IX, that Brahmans in the Muzaffargarh district according to the Settlement Officer's decision have declared their adherence to Jat custom. Will the Government be pleased to notify them as an agricultural tribe ? "

The Hon'ble Mr. DOUIE replied :—" At the census taken in 1901 the number of Brahmans in the Muzaffargarh district was 1,744 persons. At the settlement made between 1870 and 1880 Brahmans owned 3,175 acres of land. If the land-owning Brahmans of the Muzaffargarh district wish for the protection from expropriation which the Alienation of Land Act affords and will

[*Mr. Douie; Mr. Hari Chand; Mr. Meredith; Mr. Mant.*]

make their wishes known to the authorities in the usual way, the question of notifying them as an agricultural tribe will be considered. If enquiry should show that in addition to the land-owning Brahmans in Muzaffargarh there are Brahman shop-keepers and money-lenders in the district, it will be necessary to make a choice between two courses, namely, the exclusion of all Brahmans or the notification of Brahmans as a separate group."

The Hon'ble Rai Bahadur HARI CHAND asked :—" In the Punjab Agricultural Notes for the last quarter it is stated that for ten scholarships at the Lyallpur Agricultural College only six candidates appeared at the examination in May last. It is stated that two more candidates have been added. Will the Government be pleased to inform the Council what steps are being taken to popularize the institution and to attract the best class of students there ? "

The Hon'ble Mr. MEREDITH replied :—" Six candidates appeared at the competitive examination held in May last, of whom 3 passed. These 6 candidates were nominated by Deputy Commissioners. Scholarships were given later to 5 other applicants, who had passed the Entrance Examination of the Punjab University. As regards popularising the college the case at present stands as follows :—

" The prospectus declares that ' the main object of the Agricultural College is to give such a combined and systematised course of agriculture and science as will enable it to send out men who will be competent to further the progress of agriculture on the most approved, economical and up-to-date lines either as managers of their own estates or as land agents.'

" The 14th paragraph refers as follows to the prospects of successful students :—

" The diploma of Licentiate of Agriculture will rank with the B.A. degree of an Indian University as a qualification for appointments in the Revenue and Irrigation Departments under the Punjab Government. Diplomates will have the first claim to appointments in the Agricultural Department, with salaries ranging from Rs. 40 to Rs. 400. A career should also be open to successful students as estate managers. The diploma will be recognised in official publications issued under the authority of the Punjab Government."

" It is too early yet to say if the careers open to students will attract large numbers of these. Probably not as the course is a hard one. But as there are but few openings at present for men with an agricultural diploma there is no great harm if the classes remain small. In the meantime the professors will have more time for their even more important experimental work. When the short practical Vernacular courses are started the staff will be more than fully employed."

The Hon'ble Rai Bahadur HARI CHAND asked :—" Has the attention of the Government been drawn to the speech made by Rai Bahadur Lal Chand, President of the D. A. V. College Managing Committee, at the recent celebration of the College in which he complained that the grant of the land sanctioned by the Lahore Municipal Committee for the Ayurvedic Charitable Dispensary in connection with the College had been vetoed by the Commissioner of the Lahore division ? In view of the philanthropic object of the College Committee and the encouragement which the establishment of such a dispensary would give to the indigenous system of medicine, will the Government be pleased to direct reconsideration of the decision ? "

The Hon'ble Mr. MANT replied :—" It has been ascertained that on the 9th April 1910 the Municipal Committee of Lahore resolved to grant to the Managing Committee of the Dayanand Anglo-Vedic College free of rent one

[*Mr. Mant ; Mr. Hari Chand ; Mr. Fenton.*]

kanal of land outside the Shahalmi Gate of the city as a site for the construction of a Charitable Ayurvedic dispensary. The land was the property of Government, vested in the Municipal Committee for management only, and the Committee had no power to transfer it without the sanction of the Commissioner. When the papers came before the Commissioner that officer refused to sanction the grant, mainly on the ground that it was desirable that the approaches to the city gates should be kept clear of buildings.

"The Government sees no reason to direct the reconsideration of this decision. Much trouble has been taken and considerable expenditure incurred in clearing from obstructions and in beautifying the strips of garden just outside the city walls, and it is understood that the amenities of these gardens are much appreciated by the residents of the city. It would be a pity to allow any encroachments on these open spaces which are of ever increasing benefit to the people as the land adjoining them becomes more and more congested with buildings."

The Hon'ble Rai Bahadur HARI CHAND asked :—"During the Budget debate in this Council in April last His Honour the President was pleased to announce in reply to my suggestion that a sum of two lakhs would be made available for raising the pay of the lowly-paid literate employés of Government. Will the Government be pleased to inform the Council if any steps have been taken in this direction ; if not, will the Government consider the desirability of kindly taking early steps as prices are again rising ?"

The Hon'ble Mr. FENTON replied :—"Heads of Departments have been consulted on the subject and on certain proposals for altering the rules for the grant of grain compensation allowance as the former rates do not suit present prices. A large scheme of this kind cannot be introduced without careful consideration, and under financial rules requires the sanction of the Secretary of State for India. Meanwhile improvements in the pay of the lower grades of particular department are from time to time introduced, one of the most recent being that effected in the Jail Department in which the subordinate staff have received additional emolument aggregating Rs. 40,000 per annum."

The Hon'ble Rai Bahadur HARI CHAND asked :—"Will the Government be pleased to state for the information of the Council whether opinions have been received on the Pre-emption Bill ; if so, when it will be introduced into the Council ?"

The Hon'ble Mr. FENTON replied :—"The opinions on the Pre-emption Bill have recently been before Government, and a draft of the Bill revised with reference to such opinions is being submitted to the Government of India for sanction to the introduction of the Bill in the Provincial Legislative Council."

DELHI DARBAR POLICE ACT AMENDMENT BILL.

The Hon'ble Mr. FENTON moved for leave to introduce the Bill to amend the Delhi Darbar Police Act, 1911. He said :—"I beg to move for leave to introduce a Bill to amend the Delhi Darbar Police Act of 1911. As it is intended that the Bill shall be taken into consideration at to-day's meeting and, if the Council agrees, also be passed, the precaution has been taken of supplying Copies of the Bill beforehand to the members so that they may not be prejudiced by the adoption of this urgent procedure. Assuming then that the members have before coming into this room made themselves acquainted with the provisions of the clauses which it is now proposed to add to the Act which was passed last March, it will not be necessary for me to enter very much into detail, and my remarks need therefore only be general ones. The object of the Bill is to supply two omissions in the existing Act. It is

[*Mr. Fenton ; Mr. Douie.*]

desirable in the first place to take power to exclude and expel bad characters from the Darbar area, and it is no less desirable to provide against the disturbance of public tranquillity by requiring all persons who wish to convene public meetings to give notice of their intention to the District Magistrate, and the District Magistrate is empowered, by the Bill, in the exercise of his discretion, to veto any such meeting as may threaten to cause a breach of the peace or create a tumult. With reference to the first of these two objects, the expulsion of bad characters, I may explain that since March last, when the Darbar Police Act of 1902 was revived for the purpose of the coming Darbar, a great deal of thought and deliberation has been bestowed by the Central Committee upon the Darbar preparations, and that Committee has not unnaturally found it necessary to recommend that some precautionary provisions of the nature of those included in clauses 2 (ii) to 2 (iv) of this Bill should be enacted in order to secure that the success of the coming celebration, and the safety of those attending it, shall not be endangered by the machinations of criminals generally or of anarchists in particular. The powers I may observe which the Bill confers with this object are no more drastic than the rules for dealing with bad characters which are, and have for years been, in operation in all cantonments.

"The second omission in the Act passed last March which the present Bill will remedy relates to public meetings. At the Coronation Darbar the guests, visitors, troops and sight-seers will assemble for a special purpose,—to celebrate the Coronation of Their Gracious Majesties,—and it would be wholly inappropriate, not to say dangerous, to permit the whole tribe of politicians, preachers, propagandists and notoriety-mongers to take advantage of the aggregation of such vast multitudes in one centre to air their fads and fallacies before the large mixed and probably excitable audiences that may be expected under such circumstances. On such an occasion any possibility of the promotion of feelings of enmity or hatred between different classes of His Majesty's subjects is rigidly to be guarded against.

"Exception may be taken to the proposed legislation on the ground that nothing of the kind was deemed necessary in connection with the Darbar of 1902-03. The experience of recent years, however, has shown that administrative action, which formerly could be enforced by executive measures, acquiesced in by the good sense of the people generally, cannot now be undertaken otherwise than in strict conformity with chapter, section and rule of statutory enactment.

"I trust that the Council will agree that the provisions of the Bill now presented to it are sufficient to secure the objects which I have just explained.

"I move, Sir, for leave to introduce the Bill."

The motion was put and agreed to, and the Hon'ble Mr. FENTON introduced the Bill.

The Hon'ble Mr. FENTON moved that the Bill be taken into consideration.

The motion was put and agreed to.

The Hon'ble Mr. DOUIE:—"It will be understood that I wish to raise no objection to the passing of this Bill. But I beg to point out what seems to me to be a slight defect which is likely to interfere with its efficacy. I refer to section 4 (d). This provides that 'no public meeting for the furtherance or discussion of any religious, social or political subject likely to cause disturbance or public excitement or to promote feelings of enmity or hatred between different classes of His Majesty's subjects or for the exhibition or distribution of any writing or printed matter relating to any such subject shall be held in the area to which this Act applies.'

[*Mr. Douie; Mr. Fenton; President; Mr. Muhammad Shafi.*]

"It seems to me that this leaves it to the promoters of a meeting the option of deciding themselves whether the meeting would be likely to cause a disturbance or excitement and whether they need or need not obtain the permission of the District Magistrate. I think it will make the Bill more effective to strike out the words 'likely to cause disturbance or public excitement or to promote feelings of enmity or hatred between different classes of His Majesty's subjects' from section 4 (d) and to add to section 4 (e) the words 'or to promote feelings of enmity or hatred between different classes of His Majesty's subjects.' I can see that it might be argued that 'public meeting' is a wide term, and that, if the amendment were adopted, a meeting for public worship in a church at Delhi would require the permission of the Deputy Commissioner before it is held. But the Deputy Commissioner will no doubt administer the Act in a sane and reasonable manner. The real defect in the Bill as it now stands is that the question whether notice is to be given or is not to be given is left in the hands of the people who convene the meeting."

The Hon'ble Mr. FENTON.—"It will be necessary to suspend the rules in order to consider this amendment."

His Honour the PRESIDENT :—"I will suspend the rules. Is any other Hon'ble Member in favour of this amendment?"

The Hon'ble Mr. FENTON.—"The Bill as it now stands has the approval of the Coronation Committee and of the Legislative Department of the Government of India. I do not think that the present wording will in any way interfere with the discretion of the District Magistrate in prohibiting undesirable meetings. The power given by section 4 (e) to prohibit any unlawful assembly, etc., it seems to me, gives him a very large and wide discretion. The amendment merely amounts to a suggestion for more scientific drafting. I will not raise any objection to the alteration of words suggested by Mr. Douie if accepted by the Council."

The Hon'ble Mr. MUHAMMAD SHAFI :—"May I suggest that the Hon'ble Mr. DOUIE's object will be served if clause 4 (d) should remain unamended and the words 'or to promote a feeling of enmity or hatred between different classes of His Majesty's subjects' be added to clause 4 (e). It seems to me that to make it absolutely incumbent upon those who wish to convene a public meeting to give notice, in every case, to the District Magistrate, is a provision which is uncalled for and absolutely unnecessary. For instance, the Brahmo Samajists may hold a public meeting for the purpose of worship only, and if the Hon'ble Mr. DOUIE's amendment is accepted by the Council, the result will be that the Brahmo Samajists will have to give previous notice to the District Magistrate. Instances of this kind can be easily multiplied. For the object which the proposed measure has in view previous notices of meetings of this kind are really unnecessary, and may cause some irritation. I would therefore suggest that clause 4 (d) should remain as it is and the words 'promote feelings of enmity or hatred between different classes of His Majesty's subjects, &c.' be added to clause 4 (e), leaving it to the District Magistrate to prohibit any meeting which in his opinion is likely to cause a disturbance of the public tranquility."

The Hon'ble Mr. DOUIE :—"I am quite prepared to withdraw any amendment if it is generally felt that it is unnecessary."

His Honour the PRESIDENT :—"In my opinion it is desirable in such cases to throw the onus on persons proposing to hold the meeting. It is not to be expected that any person desirous of holding a large religious or other meeting, which is likely to cause congestion to traffic, will not go to the District Magistrate. I should advise such persons to go early. The District Magistrate is a hard-worked person, and if at the last moment, when it is too late to make

[*President ; Mr. Muhammad Shafi ; Mr. Fenton ; Mr. Tollinton.]*

inquiries, he hears that such a large meeting is to be held, the probable result will be that he will take action under the provisions of clause 4 (e). I am not quite certain myself whether it is absolutely necessary to add the words proposed by the Hon'ble Mr. MUHAMMAD SHAFI to clause 4 (e). The terms used are very general ones. Anything that will cause public excitement or promote feelings of enmity or hatred between different classes of His Majesty's subjects is likely in this Province to cause disturbance of public tranquillity. I do not wish to dictate any course of action to this Council, but I would personally prefer that the clause should remain in the general terms as now drafted."

The Hon'ble Mr. MUHAMMAD SHAFI:—"I only wanted to meet the Hon'ble Mr. DOUIE half way ; and, in view of what His Honour has said, I do not press my suggestion."

The proposed amendment was withdrawn.

The Hon'ble Mr. FENTON moved that the Bill be passed.

The motion was put and agreed to:

VILLAGE CRIMINAL JUSTICE (PUNJAB) BILL.

The Hon'ble Mr. TOLLINTON moved for leave to introduce the Bill to provide for the better administration of criminal justice in villages in the Punjab. He said:—"I move for leave to introduce a Bill to provide for the better administration of criminal justice in villages in the Punjab. The nature of the Bill is briefly explained in the Statement of Objects and Reasons, but in order that Hon'ble Members may be able to grasp more fully the intentions of Government in introducing this measure I shall crave a little indulgence in reviewing briefly the past history of the Bill.

"To do this it will not be necessary for me to deal with the origin or the extent of the use of honorary as opposed to stipendiary magistrates. I shall merely have to trace the idea of establishing village Benches, which has eventually taken shape in the present Bill.

"The Police Commission of 1902-03 having completed a tour of the whole of India, and taken a large quantity of evidence remarked as follows in paragraph 51 of their Report :—

"A most important mode of developing the village system and utilising it more fully for the benefit of the people is to enlarge the powers of the village headmen. In Madras the Commission have had before them strong evidence that the powers of the headmen in disposing of petty criminal cases may safely be enlarged to some extent. It would not perhaps be expedient to give them power to sentence to longer terms of imprisonment than at present allowed ; for that involves the housing, guarding and dieting of prisoners ; but enhancement of their power of fine might well be considered. This enhancement of powers might be carried out in this province and elsewhere on the principle contained in section 15 of the Bombay Village Police Act (VIII of 1867), *vis.*, that enhanced powers may be conferred on selected headmen. This would serve to encourage others to good work, as the experience of Burma has shown. In provinces where the practice of employing headmen in the disposal of petty cases does not exist, the Commission would strongly urge that it should be cautiously and experimentally introduced. It is quite in accordance with native custom and sentiment. It is safe in petty cases ; for village opinion forms a strong check on the resident headman. It would relieve the people from the annoyance of police interference in petty cases, without denying justice to the poor in respect of wrongs which, though intrinsically petty, may mean much to them. There is much evidence in every province that the conferring of such powers on village headmen would be welcome both to them and to the people."

[*Mr. Tollinton.*]

" From the passage I have just read it is clear that the Punjab cannot claim to be the pioneer in these matters, but it was specially enjoined on provinces in which the practice of employing headmen in the disposal of petty cases did not exist that they should cautiously and experimentally introduce the measure.

" In commending the suggestion to Local Governments, the Government of India observed as follows :—

" ' The Government of India strongly endorse the Commission's remarks as to the importance of maintaining and restoring the village system. To restore it where it has declined or to create it where it never existed, will doubtless be a far more difficult task than to maintain it where it still exists; but all measures that may be taken to this end will have the hearty sympathy of the Government of India, for the matter is of vital importance in all branches of the administration. They also agree in thinking that one of the first essentials is to uphold and increase the authority and prestige of the village headmen. It is probable that the Madras system by which petty civil and criminal powers are given to the headmen, might well be copied elsewhere; and the suggestions under this head in paragraph 51 of the report deserve careful consideration."

" In replying to this letter Sir Charles Rivaz outlined a scheme for the employment of zaildars and headmen in the disposal of petty cases.

" It will be interesting to note how far this scheme is identical with or differs from the present Bill. The points of similarity are numerous. It was agreed in 1904, as in 1911, that any general introduction of the system was impracticable. Selected zaildars were to receive these powers. Compare section 1 (2) and 3 (a) of the present Bill. Only petty cases were to come before the Benches. Very small sentences only would be imposed. In fact they amounted to Rs. 5 only and 48 hours' confinement. Our Bill provides for a fine of Rs. 20 which is a reflection of the depreciation of the value of money and the greater wealth of the people.

" In other respects the system outlined in 1904 differed considerably from our present Bill. There was to be no appeal or revision, but the District Magistrate was to examine records with a view to 'proposing the withdrawal of powers.' Not a very satisfactory remedy for the individual wrong decision. Contrast with this section 32 of the Bill in which very full powers of revision are given. According to the scheme of 1904 the order of a Bench was not to operate as a bar to proceedings before the regular courts. Contrast with this section 14 of the Bill which provides that dismissal shall be a bar to a subsequent complaint. It will be a question for the select committee whether we should not expressly provide that a conviction will be a bar to a subsequent complaint. There can be no doubt that in this respect the present Bill is a great improvement on the scheme of 1904. People would not resort to tribunals whose decisions had no finality, but admitted of further action on the same facts in courts of concurrent jurisdiction. Nor would there be any point in establishing such tribunals, when they would provide no guarantee of relief to the ordinary magistracy in petty cases. In fact this lent an air of unreality to the scheme and looked as if Government did not mean business.

" Sir Charles Rivaz also advocated the introduction of communal responsibility in villages in certain classes of crime and the extension to certain parts of the Punjab of the system in vogue on the frontier of referring certain criminal and civil matters to Councils of Elders. No immediate reply was given to the very definite proposals of this Government, but in their resolution on the

[*Mr. Tollinton.*]

Police Commission's recommendations the Government of India on this subject of village police remarked as follows :—

“ The Government of India agree entirely with the principles enunciated by the Commission. They have invited the Local Governments to undertake a careful review of the village systems of the provinces with reference to the possibility of preserving them from decay by rendering them more efficient agents in the prevention and reporting of crime. This, it would seem, may best be effected by conferring upon the village officers a defined status and powers to deal judicially with certain kinds of offences. Their dignity and authority will thus be greatly enhanced, and they will be enabled to relieve the regular criminal courts of trivial cases.”

“ It was not till 1907 that on a further reference from this Government the Government of India asked for a draft Bill on the lines selected by Sir Charles Rivaz. A Bill was accordingly drafted of which—

Chapter II dealt with village watchmen.

Chapter III dealt with communal responsibility.

Chapter IV dealt with references to Councils of Elders.

Chapter V dealt with village magistrate.

“ On the Bill being circulated for opinion it underwent considerable modification. It appeared that as chapter II only embodied the law already existing in Act IV of 1872 there was no point in re-enacting it or disturbing its dignified antiquity.

“ At the same time there was a strong consensus of opinion against extending the system of reference to Councils of Elders. Opinion favoured the enforcement of communal responsibility more particularly as regards the grave agricultural offence of rick burning and the establishment of village magistrates. Chapters II and IV were accordingly excised.

“ The Government of India did not agree to the provisions for enforcing communal responsibility which was not in force in equally advanced localities in India, and which was more suitable to an administration which had hardly emerged from the patriarchal stage, which could not be said of the Punjab. They agreed to the establishment of village magistrates ‘ in a tentative manner and with great circumspection.’ They also observed that care should be taken to adjust the jurisdiction of the Benches with jurisdiction under the Criminal Procedure Code.

“ It is unnecessary and not according to precedent to go into the details of the Bill, but I would draw attention to sections 1 (2) and 3 (2) which will enable Government to comply with the wishes of Government of India that the measure may be tentatively introduced; to section 36 which gives a wide power of making rules; the aim has been to hit the due mean between over-elaboration and want of preciseness; to section 10 which,—though there is no direct action by a Bench on a police report—provides that a magistrate may transfer a case instituted on a police report to a Bench; to section 32 under which ample powers of revision are given. My Hon'ble colleagues will, I am sure, especially those who belong to the learned profession, appreciate the necessity, in a measure the intention of which is to simplify the decision of petty cases, of section 34 under which legal practitioners are debarred from appearing.

“ Speaking generally the measure is one that intimately affects village life and is not one that Government wishes to force upon the people at all hazards. The mind of Government is quite open on the matter, and it is left to the

[Mr. Tollinton; Mr. Douie.]

Council to accept the measure, to modify it, or to reject it. But it may safely be said that it is introduced in the hope not to say with the conviction that it will lead to a decrease in the useless resort to the regular criminal courts in petty cases by the people. Taking the latest available figures, in 1908 there were 88,517 criminal cases brought under the sections detailed in the schedule or in cognate cases which Government is likely to notify under clause (f) of the schedule; out of 88,517 cases of this nature as many as 33,906 were either dismissed *in limine* or struck off as false. For 1909, the figures were 87,714 and 32,270, respectively. Any measure which can lead to the diversion of such petty cases, so large a proportion of which come to nothing, to a simple form of tribunal near at hand cannot but save the time and money of the litigant, and as such is to be commended. It is also a measure of decentralization and educative value. It leaves the petty affairs of the people to the people. It is a measure of self-government in little things, which must be a valuable, if not an indispensable, training for self-government in more important matters.

"With these remarks I move that the Bill be introduced."

The motion was put and agreed to and the Hon'ble Mr. TOLLINTON introduced the Bill.

The Hon'ble Mr. TOLLINTON moved that the Bill—

- (1) with its Statement of Objects and Reasons be published in the *Punjab Government Gazette*, English and Urdu;
- (2) be circulated for the purposes of eliciting opinion thereon; and
- (3) be referred to a Select Committee consisting of the Hon'ble Mr. MUHAMMAD SHAFI, the Hon'ble Mr. SHADI LAL, the Hon'ble Sardar SUNDAR SINGH, the Hon'ble Lala HARI CHAND, the Hon'ble Sayad MAHDI SHAH, the Hon'ble Malik MUBARIZ KHAN, the Hon'ble Sardar PARTAP SINGH and the mover.

The motions were put and agreed to.

PUNJAB TENANCY ACT, 1887 (AMENDMENT), BILL.

The Hon'ble Mr. DOUIE moved for leave to introduce the Bill further to amend the Punjab Tenancy Act, 1887. He said:—"The distinction between civil and revenue courts is based on the consideration that the disputes regarding certain matters, chiefly connected with the respective rights of landlords and tenants, can best be decided by officers whose daily work is concerned with the revenue and produce of the land and the maintenance of the records of the rights of the persons who own and till it. Work of that sort, if it is done well, brings a man into close touch with village people, and the special experience gained thereby conduces to a readier appreciation of the points at issue in cases of the kind I have mentioned, and greater skill in obtaining and weighing the evidence. The distinction is an old one in the Punjab, and goes back to the year 1855 when the Judicial Commissioner, with the sanction of the Chief Commissioner, transferred all regular suits regarding land and the produce of land from the civil to the revenue courts. But to pass from matters of history and come straight to the existing law, section 77(3) of the Tenancy Act, XVI of 1887, gives a list of suits which are to be heard, and determined by revenue courts and provides that 'no other court shall take cognizance of any dispute or matter with respect to which any such suit might be instituted.' Nobody realized at the time the Act was passed that this provision might create a legal *impasse*, because the defence to a civil suit might depend on the decision as to some matter of which the civil court was debarred from taking cognizance. I

[*Mr. Douie; Mr. Humphreys.*]

may refer my legal colleagues on the Council to the rulings reported in 'the Punjab Record as No. 96 of 1894 and No. 11 of 1895. But the dilemma arose in a very simple form in a much more recent case, No. 24 of 1907. The plaintiff sued for Rs. 5, the value of trees on his land cut by defendants. The defendants pleaded that they were occupancy tenants and so entitled to the trees. The Chief Court held that the civil court could not deal with that plea. In a still later case the question was exhaustively considered by a full Bench, whose united wisdom could find no way out of the difficulty. Mr. Justice Rattigan remarked :—

"According to the rulings under consideration the civil court must in every case of the kind ignore the defendant's plea, and as there is and can be no other defence, must perforce give plaintiff the decree for which he prays, and this too, though in point of law, and it may be also of equity, he is not entitled to any relief. This is a very extraordinary and unsatisfactory state of things, and I do not think that the referring order goes too far when it describes a decision given in such circumstances as 'a mere travesty of justice.'"

"The short Bill which I now ask leave to introduce provides a remedy, which consists in the addition of a proviso to section 77 (3) of the Tenancy Act by which if in a civil suit either party raises a matter which can legally be heard and determined only by a revenue court, the civil court shall return the plaint for presentation to a revenue court, which shall proceed to hear and determine the whole suit. The remedy is an effectual one, and I do not think any valid objection can be raised to the investing of revenue courts to the limited extent proposed with the powers of civil courts."

The motion was put and agreed to, and the Hon'ble Mr. DOUIE introduced the Bill.

The Hon'ble Mr. DOUIE moved that the Bill—

- (a) with its Statement of Objects and Reasons be published in the *Punjab Government Gazette*, English and Urdu;
- (b) be referred to a Select Committee consisting of the Hon'ble Mr. MEREDITH, the Hon'ble Mr. TOLLINTON, the Hon'ble Mr. SHADI LAL the Hon'ble Mr. MUHAMMAD SHAFI and the mover.

The motions were put and agreed to.

THE COLONIZATION OF GOVERNMENT LANDS (PUNJAB) BILL.

The Hon'ble Mr. DOUIE moved that the Hon'ble Mr. MEREDITH be appointed to the Select Committee on the Bill to make better provision for the colonization and administration of Government lands in the Punjab *vice* the Hon'ble Lieutenant-Colonel PARSONS.

The motion was put and agreed to.

PUNJAB COURTS ACT, 1884 (AMENDMENT), BILL.

The Hon'ble Mr. HUMPHREYS presented the Report of the Select Committee on the Bill to amend the Punjab Courts Act, 1884. He said :—

"I beg to present the report of the Select Committee on the Bill to amend the Punjab Courts Act relative to the law of second appeal in the Province. When I had the honour of introducing the Bill in this Council I gave a summary of the history and objects of the Bill, which it is unnecessary for me now to repeat. Shortly put, the main object of the Bill is to curtail a

[Mr. Humphreys.]

special privilege in the matter of second appeals which the Punjab has hitherto for special reasons enjoyed—a privilege which altered circumstances no longer render necessary and one which, in the interests of the people themselves, it is expedient to remove as it panders to their innate love of litigation by prolonging the course of cases before the point of finality is reached.

"The Bill has on the whole been well received, though one or two matters of detail have been subjected to a good deal of criticism. In the main the provisions of the law of second appeal as they appear in the Civil Procedure Code have been adopted. In reproducing section 100 of the Code, however, the word 'custom' has been inserted as the word usage in the Punjab has been given the more restricted sense of mercantile usage in the Punjab Laws Act, and custom and customary law bulk so largely in this province.

"The main criticisms on the opinions received on the Bill have been directed to section 40 (3) in clause 2 of the Bill as introduced, and it was at once apparent to the Select Committee that it could not be allowed to stand as drafted. For one thing it was pointed out that the two parts of the sub-section contradict each other, for another the procedure to be adopted under it was open to doubt, and further, and more important, it would involve a double hearing of each appeal in the Chief Court, first to ascertain whether the appeal was admissible and then to dispose of the appeal,—a course which would defeat one of the main objects of the Bill which is to reduce the work of the Chief Court within reasonable limits.

"The procedure suggested was really the old certificate procedure, with the Chief Court only empowered to grant the certificate. The object which we have in view is to provide that in difficult cases of custom, where the existence or validity of the custom is open to doubt, there shall be an opportunity of taking them to the Chief Court for authoritative decision. After giving the matter their most careful consideration the Select Committee now recommend that this object should be secured by a reversion to the certificate procedure, pure and simple, the certificate being granted in every case by the Divisional Judge who in the vast majority of cases will have himself adjudicated on the case and will therefore be in a position to deal with the application for a certificate without wasting unnecessary time. It is true that this expedient was tried and abandoned when the Punjab Courts Act came under revision in 1899, but the papers connected with that Bill do not disclose any grave objections to the certificate procedure; times have changed since then, and with a far higher standard of efficiency now in our courts it does not follow that the procedure would now not work satisfactorily: moreover the certificate procedure was in the present case actually suggested by the Secretary of State. The Select Committee has accordingly altered section 40 (3) adopting the Secretary of State's suggestion as the best solution of this difficult problem.

"The only other point to which I need refer is that dealt with in clause 7 of the Bill which raises the value in land suits for the purpose of calculating court fees from five to ten times the annual land revenue. As to the justice of this proposal on the merits there can, I think, be no doubt. Since 1870 the value of land in the Punjab has risen out of all proportion to the enhancement of land revenue during the same period: it is moreover in terms of the land revenue nearly double what it is in the neighbouring United Provinces, and it is felt to be unfair to the public at large that the court-fees in the case of land suits should be so disproportionately low compared with what they are in the case of other classes of suits where court-fees are calculated *ad valorem* on the actual value of the property in dispute. Moreover it has to be remembered that in the Punjab our law courts work at a considerable

loss costing some four lakhs of rupees a year more than they bring in in the way of court-fees. A further point is that this excessively cheap litigation forms a not unimportant spur to the litigious propensities of the people of this province, which it is our duty to remove to some extent at any rate.

"There is a certain body of opinion on this clause of the Bill which would only approve of the proposed enhancement if the value of land for purposes of jurisdiction is simultaneously raised to 60 times the land revenue. It must be admitted that there is a certain amount of force in this argument, but I must point out that this corollary does not depend on legislation, and can be given effect to by a notification under the Suits Valuation Act at any time. The subject is one of far-reaching consequences needing detailed consideration which it will no doubt receive in due course, but the fact that Government is not prepared to take immediate action in the direction indicated is, in my opinion, no justification for postponing the other reform as to court-fees which is expedient and justifiable in itself.

"With these remarks I beg to present the report of the Select Committee, but will not ask the Council to proceed to the final stages of the Bill to-day, those being deferred until the next meeting of Council."

ADJOURNMENT.

THE Council adjourned to the 17th November 1911.

SIMLA :

The 13th September, 1911. }

T. P. ELLIS,

Secretary, Legislative Council.

PUNJAB GOVERNMENT.
LEGISLATIVE DEPARTMENT.

Abstract of Proceedings of the Council of the Lieutenant-Governor of the Punjab, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 to 1909.

The Council met at the Council Chamber, Government House, Lahore, on Wednesday, the 15th November 1911, at 11 A. M.

PRESENT :

- His Honour Sir LOUIS WILLIAM DANE, K.C.I.E., C.S.I., I.C.S.,
Lieutenant-Governor, *Presiding*.
- The Hon'ble Sirdar SUNDAR SINGH, MAJITHIA, Sardar Bahadur.
- The Hon'ble Mr. JOHN CORNWALLIS GODLEY, M.A.
- The Hon'ble Malik MUBARIZ KHAN, Twana.
- The Hon'ble Mr. JAMES MCCRONE DOUIE, C.S.I., I.C.S.
- The Hon'ble Mr. ALEXANDER HENDERSON DIACK, C.V.O., I.C.S.
- The Hon'ble Mr. MICHAEL WILLIAM FENTON, C.S.I., I.C.S.
- The Hon'ble Khan Sahib Sayad MAHDI SHAH,
- The Hon'ble Mr. JAMES CURRIE.
- The Hon'ble Khan Bahadur Seth ADAMJI MAMOOJI.
- The Hon'ble Khan Bahadur Khawaja YUSAF SHAH.
- The Hon'ble Mr. JAMES THOMAS FARRANT.
- The Hon'ble Sardar PARTAP SINGH, Ahluwalia, C.S.I.
- The Hon'ble Khawaja AHAD SHAH.
- The Hon'ble Rai Bahadur HARI CHAND.
- The Hon'ble Rai Bahadur SHADI LAL, Barrister-at-Law.
- The Hon'ble Khan Bahadur Mian MUHAMMAD SHAFI, Barrister-at-Law.
- The Hon'ble Sir ARTHUR MILFORD KER, C.I.E.
- The Hon'ble Mr. HENRY PHILLIPS TOLLINTON, I.C.S.
- The Hon'ble Lala SULTAN SINGH.
- The Hon'ble Lieutenant-Colonel CLEMENT GEORGE PARSONS.
- The Hon'ble Mr. REGINALD ARTHUR MANT, I.C.S.

OATH OF OFFICE.

The Hon'ble Mr. DIACK, before taking his seat, took the prescribed oath of his allegiance to the Crown.

[*The President, Sardar Partab Singh,*]

TRIBUTE TO THE HON'BLE MR. DOUIE.

His Honour the PRESIDENT said :—" As I may not have another opportunity, before we pass to the business of the day, I must refer to the loss which this Council and Administration will shortly sustain in the retirement of the Hon'ble Mr. DOUIE. He is, I think, at present the doyen of the officers of the Indian Civil Service serving in the Executive Line. That in itself would not be generally regarded as a title to honour, as mere seniority in that service is almost a crime or at least a grave injustice to the juniors. But I trust that seniority when coupled with ripe experience, unremitting industry and unimpaired energy and efficiency, as in the case of Mr. DOUIE, is even in a stagnating service one of the greatest titles to honour and respect from co-workers and from the public. I have already had an opportunity of acknowledging the great services rendered by Mr. DOUIE to the Revenue Administration. He is, as you know, one of our old Punjab Settlement Officers, and, gentlemen, a Settlement is the surest way of inspiring an officer with the tenderest sympathy and a sincere affection for the people of the Province. The Settlement Officer sees them at their best and shares their fears and joys. The only blot, if blot it be, on so excellent an arrangement is that Settlement and Revenue Officers perhaps tend to become more agricultural than the agriculturists, and in their desire to save the revenue-payers do not perhaps always duly regard the exigencies of the administration, which must in existing circumstances rely mainly on the land revenue receipts to pay its way. Some day I hope we shall not be so dependent on this source of revenue, honourable and honest though it be, and I am sure Mr. DOUIE shares my wish.

"Of his services in this Council I need not speak at length, as they are fresh in our minds. He has been closely associated with most of our important measures, and it will be his good fortune to-day I hope to see through the Council the great measure which will regulate the present and future agricultural colonies in the Punjab, and which will prove, we all trust, the Magna Charta of the Punjab peasant. While a strong advocate of the rights of the landowners, Mr. Douie is by no means an opponent of the non-agricultural classes, and has been ever ready to tone down any hardships involved in legislation to the paramount consideration of the good of the greater number of Punjabis.

"Such, gentlemen, is the Hon'ble Member who is about to leave us, and I am sure that you will join me in congratulating him on going well honoured and in full possession of mental and physical strength, and in wishing him a long and prosperous career in his homeland, where his qualifications, as in the case of his immediate predecessor Sir James Wilson, should soon secure him employment honourable to himself and profitable to his country."

THE Hon'ble SARDAR PARTAB SINGH :—" Your Honour,—After agreeing to the compliments paid to the Hon'ble Mr. DOUIE, I wish, with your permission, to add a few words on behalf of the non-official Members of this Council. The loss to the Council, as Your Honour has said, from the Hon'ble Mr. DOUIE'S retirement will be great and painful, and I must say to most of us it will be the loss of a very true and kind friend. During MR. DOUIE'S long career I have never heard anything else but remarks that he was always just, kindly, sympathetic and ready to help everybody who wanted his help. It is a matter of great regret to me personally and to the Hon'ble Members in this Council that we are losing such a friend (*applause*). We all wish him good luck and prosperity in the years to come, and I trust that while he is in his own land enjoying his well-earned rest after the heavy work in this country, I sincerely hope that he will keep at heart the interests of this Province in which he has spent so many years, and always take an active interest in the politics of this Province."

[*Mr. Dowie, Khawaja Ahad Shah.*]

The Hon'ble Mr. DOWIE:—"Your Honour and my fellow Members of the Punjab Legislative Council,—I feel exceedingly grateful for the very appreciative terms in which any small services which I have been able during a long period of years to render to my Province, and especially to my Province in this Council, have been referred to. I am glad to have been present at the birth of the enlarged Council and to have had the opportunity of watching its early efforts, and I think as I am leaving it that I may be permitted to pronounce that it is a promising child. Perhaps I may be permitted at the same time to make one or two remarks about the enlarged Council.

"I think it would be a matter of deep regret if at any time there arose any disposition to look upon these Councils as divided into two opposing parties, the Government consisting of the official Members and the opposition consisting of unofficial Members. That is a state of things which as we all know exists in the British Parliament in England. It has its advantages; it also has its grave disadvantages. Whatever may be its merits, I am sure it is not a state of things which it is desirable to introduce into this or any of the Legislative Councils in India. We cannot conceivably imagine for an instant the Hon'ble Mr. SHADI LAL and the Hon'ble Mr. MUHAMMAD SHAFI always endeavouring to oust His Honour from his seat and to take possession of Government House. That would not be a condition of things which we could contemplate with any equanimity. I do not think there is any danger of that sort arising in this Province.

"The enlarged Councils have been given the power of interpellation which wisely used will always be most profitable both to the Government and to the public generally. It will afford the Government an opportunity of clearing away many misunderstandings and of preventing many misconceptions, but of course it is a power which can easily be abused. I am sure, in this Council, that there is not at present nor will there be in the future any disposition to abuse that privilege.

"I think, we all feel that some means are very much required for taking the public into our confidence, and I think that this can be done by laying papers on the Council table and taking the public into our confidence even when questions are not asked on a particular subject. The purdah system of Government is not a source of strength to any administration. Every Government must have secrets, but no vast Government desires to do all its work behind a screen, and I may in the case of this Province say that there is no reason why it should not admit the public into confidence in a much larger measure than has been possible in the past.

"I thank Your Honour and all the Members of the Council for the kind way in which they have referred to any services which I have been able to render the Province."

QUESTIONS AND ANSWERS.

The Hon'ble Khawaja AHAD SHAH asked:—" (a) Will the Government be pleased to state, for the information of the Council, the amount of grant-in-aid, if any, allowed from Provincial revenues to each of the following institutions:—

- (i) The North India Girls' School of Medicine, Ludhiana?
 - (ii) The Female Memorial Hospital, Ludhiana?
- (b) Has it not proved for a fact—
- (i) that the school is benefiting the females of India in general; and

[*Khawaja Ahad Shah ; Mr. Tollinton.*]

(ii) that the Memorial Hospital is meeting the important and badly-felt requirements of this Province?

(c) Can the present amount of annual grant allowed to the said institutions in any way be regarded as sufficient for the up-keep and extension thereof?

The Hon'ble Mr. TOLLINTON replied :—“(a)(i) and (ii).—The North India School of Medicine receives from Provincial funds the following annual recurring grants :—

“(1) Capitation grant of Rs. 6 rising in 4 years to Rs. 12 for each student of the Sub-Assistant Surgeon class.

“(2) Two-thirds of this for each student of the Compounder class.

“(3) Half of (1) for each student of the Nurse class.

“(4) Annual grant of Rs. 6,000 for the professional staff.

“Besides this, a non-recurring grant of Rs. 11,355 was made in 1905 for purchase of apparatus. Applications for a building grant of Rs. 50,000 and for a further grant of Rs. 10,330 for apparatus have also been received and will be considered next month, and, if the financial position admits, granted.

“The Memorial Hospital received a grant of Rs. 25,000 from Government in 1904.

“(b) (i).—The answer to the question is in the affirmative. This is the only institution in the Punjab in which women are trained to be Sub-Assistant Surgeons, and the Inspector-General of Civil Hospitals reports very highly of the work done.

“(b) (ii).—The answer is in the affirmative, as is the case with other similar hospitals in the Province.

(c).—It is a question of funds. Government has so far given what aid it can and is considering further grants of money and land. The work that these institutions are doing is highly appreciated. Now that the school has been fully staffed with eight qualified lady doctors, His Honour's intention is that the North India School of Medicine shall be firmly established as the Provincial Medical School for Women, and every endeavour will be made that this end should be secured.”

The Hon'ble Khawaja AHAD SHAH asked :—“Will the Government be pleased to state for the information of the Council as to what benefit was meant for litigants by introducing the system of paying fee to lawyers, in advance, when—

“(a) Most of the lawyers show apathy in conducting cases in behalf of their clients after realizing fee in advance.

—“(b) Some of the lawyers recover from their clients an additional amount of money, even after decision of cases, under the name of ‘shukrana’ or ‘honorarium’.”

The Hon'ble Mr. TOLLINTON replied :—

“(a) It does not appear quite clearly what the intention of the Hon'ble Member is in asking this question. If his intention is that the ‘back fee’ system should be reintroduced, I am afraid he has raised the question in the wrong place. The Full Bench of the Chief Court have in Punjab Record No. 61 of 1907 held that such agreements are ‘contrary to public policy, and legal practitioners entering into such agreements are therefore guilty of professional misconduct and render themselves liable to the disciplinary action of the Court.’ Back fees cannot then be reintroduced.

[*Khawaja Ahad Shah Mr. Tollinton ; Mr. Shadi Lal ; Mr. Fenton.*]

"Sub-clause (b) of the question implies that back fees are still taken under another name. I am assured by the President of the Bar Association that he would gladly co-operate with my Hon'ble colleague in bringing any such cases to notice. It is not for me to say what disciplinary action the Hon'ble Judges would see fit to take. I am informed that in a similar case the Bombay High Court suspended a legal practitioner for life. Sub-clause (a) of the question appears to imply that those practitioners who do not take back fees make no efforts to win their cases. Every profession has its black sheep, but I cannot believe that the Hon'ble Member is unaware that a legal practitioner builds up a practice by his practical success in the Courts, and surely the desire to secure this must be as strong an incentive as the prospect of a back fee."

The Hon'ble Khwaja AHAD SHAH asked :—"Will the Government be pleased to state for the information of the Council whether it is not illegal and professional misconduct for the legal practitioners to practice in courts whose presiding officers are related to them, especially when, as a matter of fact, this relationship is instrumental in bringing them cases in those courts? Is it not against the interests of litigant public and also opposed to the traditions of the legal profession?"

The Hon'ble Mr. TOLLINTON replied :—"It is not for Government to lay down what is illegal or what amounts to professional misconduct. It is for the courts to find judicially what is illegal and for the Hon'ble Judges in their disciplinary capacity to enquire into allegations of professional misconduct. I feel confident that if proximity of relationship between members of Bench and Bar gave rise to any of the undesirable results alluded to or hinted at in the question, the Hon'ble Judges would either take disciplinary action or would move the Government to effect a transfer of the Judge or Magistrate concerned. In any case the Hon'ble Judges should be moved in the first instance."

The Hon'ble Mr. SHADI LAL asked :—"With reference to my question regarding the jurisdictional value of land suits asked at the meeting of the Council held on the 16th March 1911 and the reply thereto that the matter was the subject of discussion with the Government of India and no information could at that time be given, will the Government be pleased to state whether it has now been decided to raise the value to sixty times the land revenue?"

The Hon'ble Mr. FENTON replied :—"The answer is in the negative."

The Hon'ble Mr. SHADI LAL asked :—"(a) Is the Government aware that the present building of the District Courts at Delhi is insufficient and unsuitable?"

"(b) Will the Government kindly consider the desirability of providing a better and more suitable building for the courts?"

"(c) Will the Government order that steps, in the meanwhile, be taken to improve the sanitary condition, ventilation and capacity of the existing court rooms?"

The Hon'ble Mr. TOLLINTON replied :—"With regard to (a) and (b). "A site for a new Post and Telegraph Office near the Tis Hazari Maidan has been provided on condition that the existing Post and Telegraph Offices are made over to the Punjab Government for giving additional accommodation for the District Courts and Offices and for the High and Normal Schools. With a view to improve the sanitation and surroundings of the courts and schools the Lieutenant-Governor has recovered the Civil Bala from Military occupation, and a large sum is now being spent by Government on draining and reclaiming this with a view to its being utilised as playing fields and a public park for the citizens of Delhi. It is believed that when this is done the courts will be healthy and commodious, and they are most conveniently

[Mr. Tollinton ; Mr. Shadi Lal ; Mr. Godley.]

situated. If it is found to be impossible to secure suitable courts and offices on the existing site and this can be disposed of at an advantage, the expensive project of building new courts on the Tis Hazari Maidan will be re-examined; but the Lieutenant-Governor is very loth to block up with buildings one of the few remaining open sites round the city of Delhi, and especially one which is much used by the people and is very valuable as an air space to the important St. Stephen's Zanaana Hospital that adjoins it.

"With regard to (c), the Commissioner will be asked whether any intermediate action is required to improve the sanitary condition, ventilation and capacity of the existing court-rooms."

The Hon'ble Mr. SHADI LAL asked:—"(a) Will the Government be pleased to lay on the table a comparative statement showing the fees charged in this province and in other provinces of India from students of the Middle and High Schools maintained by Government ?

"(b) Will the Government state how many times the school fees have been raised during the last 30 years in the Punjab, and what has been the increase on each occasion ?"

The Hon'ble Mr. GODLEY replied:—"(a) The Hon'ble Member will find the information which he requires in a comparative statement appended to the *Gazette of India*, dated the 23rd September 1911, showing the rates of fees levied in educational institutions throughout India in the years 1904 and 1910. I shall be happy to furnish him with a copy if he wishes. Dissimilarity of classification, and the fact that in some provinces fees vary with the locality, render it difficult to institute a comparison of rates; but it appears from the statement that the scale is highest in Bombay and Burma, and possibly lowest in Bengal, where uniform rates are not prescribed.

"(b) School fees were raised during the period 1886—1892, and have again been raised in the current year. The question of an enhanced scale came up first in 1884, the Education Commission of 1882 having pointed out in their report that an unduly low percentage of educational expenditure in the Punjab was met from fees. Sir Charles Aitchison's views on the subject were communicated in a letter from the Secretary to Government to the Director of Public Instruction, dated 6th February 1884. 'Fees,' it was said, 'are the truest and best source of self-support for schools, and the low rate of fees which have hitherto been levied in the Punjab has been complained of as being one of the leading causes of the stagnation of native educational enterprise. The Lieutenant-Governor is of opinion that the Commission is undoubtedly right in recommending that it should be an instruction to the Educational Department to aim at raising the fees paid for education. This must of course be done gradually and cautiously. But it must be a recognised principle that the fees are to be raised, especially in colleges, secondary schools, and primary schools in towns where the value of education is understood, to the highest amount that will not check the spread of education.' In accordance with this principle the scale of fees was raised by about 50 per cent. in 1886, and an annual increase of 20 per cent. followed for five years in succession, resulting in the old rates being approximately trebled. No change has since been made until the current year, when the fees in English-teaching schools have again been raised by 20 per cent in order to meet the additional expenditure now necessitated on salaries and equipment in such schools; and a similar increase will take place in 1912. The rates in vernacular primary and middle schools are still those fixed in 1886, and no change is at present contemplated."

The Hon'ble Mr. SHADI LAL asked:—"Is it a fact that in the case of certain schools which used to get grants-in-aid from provincial funds, grants have been stopped? Will the Government lay on the table a list of the Middle and High Schools whose grants have been stopped during the last two years and state the reasons for stopping the grants?"

[*Mr. Godley ; Mr. Shadi Lal ; Mr. Mant.*]

The Hon'ble Mr. GODLEY replied :—" If the Hon'ble Member can mention any alleged instance of the kind, I shall be able to give him particular information. Grants from provincial funds earned by aided schools are invariably paid in full, and it is consequently impossible to prepare such a list as he desires."

The Hon'ble Mr. SHADI LAL asked :—" (a) Is the Government aware that a large number of the students of the Government College, Lahore, including all the students of the M. A. classes, have been refused admission into the hostel on account of insufficient accommodation and that the Branch boarding-house attached to the College is, on account of its surroundings and sanitary condition, unsuitable for the residence of the students ?

"(b) Will the Government be pleased to take early steps to extend the hostel of the College or to make some other suitable arrangement for the residence of the students ? "

The Hon'ble Mr. GODLEY replied—" (a). The Principal of the Government College reports that some of the students in the M. A. classes have been refused admission to the hostels for want of accommodation, but that all other applicants have been admitted, and that it will be possible to arrange for more admissions shortly."

" The branch hostel referred to by the Hon'ble Member was given up last June, and the present accommodation is considered to be satisfactory.

"(b) The question of providing additional hostel accommodation for Government College students has engaged the attention of Government for several years. In 1908 a private house in the immediate vicinity of the college was rented for the purpose, and since that time various schemes have been put forward, none of which appears to be a satisfactory solution of the difficulty. The erection of another hostel within the College precincts is thought to be inadvisable, and the adjoining land cannot be acquired without prohibitive expenditure. Something may perhaps be done in the way of putting another storey on the existing hostel. The Lieutenant-Governor is of opinion that the task of providing hostel accommodation for students attending Government institutions in Lahore is one in which religious and other societies might well be asked to assist, building grants being given them for the purpose. Hostels conducted by such bodies have been successfully established in connection with the Muir College, Allahabad, and elsewhere. In Lahore the Young Men's Christian Association have already offered to build a students' hostel, and it is hoped that other bodies will follow the example thus set."

The Hon'ble Mr. SHADI LAL asked :—" Will the Government be pleased to lay on the table a list of the re-appropriations made since 1st April 1911 ? "

The Hon'ble Mr. MANT replied :—" A statement* of reappropriations of Rs. 5,000 and upwards is laid on the table. A manuscript register of reappropriations of smaller sums will be made available at the Secretariat for any Hon'ble Member who wishes to see it."

The Hon'ble Mr. SHADI LAL asked :—" (a) Whether any instructions have been issued to the Headmasters of the Government and Board schools limiting the number of students to be admitted to each class ? Will the Government lay the instructions, if any, on the table ?

"(b) Is it a fact that the Headmasters of several secondary schools have refused to admit boys on the plea of want of accommodation ? "

The Hon'ble Mr. GODLEY replied :—" The first part of the question has been answered before in my reply to a similar question put by the Hon'ble Lala Hari Chand in the meeting of Council held on the 6th April 1910. No new

*See Appendix A.

[Mr. Godley ; Mr. Shadi Lal ; Mr. Tollinton ; Mr. Diack.]

instructions have been issued. Notwithstanding the increase in the number and size of secondary schools, it is undoubtedly a fact that in the Punjab, as elsewhere, boys are occasionally refused admission to particular schools for want of accommodation. It is hoped that enhanced fees will render it possible to increase the accommodation still further and more rapidly."

The Hon'ble Mr. SHADI LAL asked :—“(a) Will the Government be pleased to lay on the table a statement showing the places at which punitive police is now being levied, the causes in each case which led to the levy, the cost and duration of levy and whether representations were made by the people affected against the levy.

“(b) Considering that the notifications in the Gazette make no reference to the misconduct of the population punished, will the Government be pleased to specify in future notifications the circumstances leading to this form of punishment so as to convey a warning to other places in the neighbourhood?

The Hon'ble Mr. TOLLINTON, replied :—“(a) A statement is being prepared. The preparation of a statement showing the minute details required by the question will take some time, and a further reply will be given at a subsequent meeting.

“(b) The Inspector-General of Police has been consulted. Till his reply is received a final answer to the question cannot be given. *Prima facie* it would hardly appear necessary for villagers to refer to the Gazette in order to understand quite adequately the nature or the necessity of punitive police."

The Hon'ble Mr. SHADI LAL asked :—“Is it a fact that according to the quinquennial census of cattle in the Kangra district there has been an increase in the number of cattle from 43,474 to 1,368,618? Has the area of pasture lands increased or has the cultivation of fodder crops increased in the same or in any ratio in that district? Will the Government be pleased to state what action it proposes to take to prevent loss of cattle which is threatened in several parts of the province owing to the dearth of fodder?”

The Hon'ble Mr. DIACK replied :—“The figures given in the Hon'ble Member's question are taken from paragraph 24 of the progress report of the Forest Administration Report for the year 1909-10, where they are stated to represent the increase that has occurred in the Kangra district during the last 13 years. They agree approximately with the figures recently ascertained by the Hon'ble Mr. DOUIE during a tour in Kangra, it being premised that they include sheep and goats as well as horned cattle, and that they exclude the returns for the Kulu sub-division. Mr. Douie's figures are—

(1) Horned cattle	...	...	{ 568,819 in 1894. 732,321 in 1909.
(2) Sheep and goats	...	...	{ 372,585 in 1894. 618,124 in 1909.
(3) Total	...	...	{ 941,404 in 1894. 1,350,435 in 1909.

(2) There has been no marked increase either in the area of pasture lands or in the cultivation of fodder crops in the Kangra district during the period to which the figures in the Hon'ble Member's previous question relate.

(3) The action which Government has taken to prevent loss of cattle in the province is two-fold : the railway freight for the transport of fodder from the districts in which it is abundant to those in which it is scarce has been reduced and *takavi* is being liberally offered for the purchase of fodder. The provision of fodder is more important for the cattle used on the wells and for ploughing and for the immediate wants of the agriculturists and their families than for cattle

[Mr. Diack ; Mr. Shadi Lal ; Mr. Tollinton.]

kept for profit, which can be and are being removed from the districts in which there is little grazing to the riverain tracts in which grass is to be had. Fodder is scarce in portions of the Rawalpindi and Multan divisions, but is fortunately plentiful in the Lyallpur district, whence it is being exported. Elsewhere in the province, including the districts of the Delhi division, there is sufficient fodder, though it is costly to those who have to purchase it. Fortunately there is, owing to the rainfall of September and October, every promise of a good rabi harvest, and the people have only to tide over the time till green fodder is procurable. Since the 1st of October the charge for the carriage of fodder from stations on the (1) Wazirabad-Khanewal ; (2) Chichoki-Shorkot Road, and (3) Shorkot Road-Malakwal sections of the North-Western Railway to all railway stations in the Punjab except those of the Delhi civil district has been only half an anna per 4-wheeled wagon *per* mile (one anna *per* bogie wagon). And the Government of India have been moved to extend the same concession to bookings from any station on the Sind-Sagar line between Malakwal and Mahmud Kot Junction or between Kundian and Attock to any other station on that line. As regards *takavi* an addition of two lakhs of rupees, specially for the purpose of granting loans for the purchase of fodder, is being made to the amount already allotted for agricultural loans to Commissioners of divisions, which aggregate Rs. 7,35,000 since July last."

THE Hon'ble Mr. SHADI LAL asked :—“(a) Referring to the latest report of the Sanitary Commissioner of the Punjab in which it is stated that the principal measures upon which reliance is placed for plague prevention are inoculation, evacuation and rat destruction, will the Government be pleased to state the amount of the total expenditure incurred annually during the last thirteen years on these measures and how the staff is employed during the period when plague is not in active manifestation ?

“(b) What has been the ratio of death from plague per 1,000 of population in each year during the last thirteen years in the districts of Hissar, Rohtak, Gurgaon, Delhi, Karnál, Jullundur, Ludhiána, Ferozepore, Lahore, Amritsar and Gujranwála ? What is the amount of money spent in these districts during this period on curative and preventive measures ? Will the Government be pleased to state whether any attempt has been made, and, if so, with what success, to demolish houses in which plague cases have occurred successively for a number of years and to compensate the owners thereof ?”

THE Hon'ble Mr. TOLLINTON replied :—

“(a) I lay upon the table a statement* showing the total provincial expenditure in connection with plague preventive measures for the years 1904-05 to 1910-11 and the respective totals for the districts specified in part (b) of the question. Figures for the years before 1904 are not readily available. Expenditure from local funds is not included. I understand that the Hon'ble Member does not require this, nor that the expenditure should be differentiated over the various classes of measures. The latter would be a task of some difficulty.

“As regards the employment of the staff in the so-called quiescent period from June to January, it may be said that it is during that period that the most important work is done. For every week that a recrudescence in strength can be postponed, a week's heavy mortality may be saved. Efforts are concentrated during this period on stamping out infection where it still lingers ; on special precautions in places where a reappearance is anticipated ; on training the local staff in the measures necessary to resist plague. The plague staff are also regularly employed in the distribution of general medical relief in out-of-the-way places, and the good that they have done in this way has made their services very popular.

* See Appendix B.

[Mr. Tollinton ; Mr. Shadi Lal ; Mr. Mant,]

"To take an example of the plague work done during the quiescent period : during the last few weeks 17 cases of plague are known to have been imported into 13 places in the Punjab from Bhopal, Patiala, or Rāwalpindi city. In none of these cases, owing to the exertions of the staff, has an epidemic developed. Besides this, two cases of recrudescence have been checked, with a total of only 8 and 3 cases, respectively. Had no action been taken, it is impossible to calculate how far these various infections might even at this early stage of the plague season have developed.

"(b) I also lay on the table the figures* as far as they are available showing mortality per thousand of population from 1899 to 1910 in the districts specified. No demolition of infected houses has taken place. Such action would be strongly resented by the people, and as in the present state of our knowledge bubonic plague in man is secondary to epizootic plague in the rats, the demolition of houses would probably only drive the infected rats into the neighbouring houses."

The Hon'ble Mr. SHADI LAL asked :—"(a) With reference to the several notifications of the Government directing the levy of profession tax in the cantonments of the Punjab, will the Government be pleased to state (1) the cantonments which now pay this tax and which are exempt from it ; (2) the circumstances that rendered the levy necessary in some cantonments ; (3) the yield of revenue, together with collection charges, actual or estimated, in the several cantonments ; and (4) the proportion of the cost of establishment to the whole revenue in the several cantonments prior to the introduction of profession tax ?

"(b) Has the attention of the Government been drawn to the circular No. 3942—K-1-5, dated the 10th December 1910, issued by the Government of the United Provinces and published in the *Tribune* of the 25th March 1911, prohibiting the imposition of profession tax in cantonments as illegal ?

"(c) Will the Government be pleased to mention the law under which orders are issued for the levy of profession tax and whether local opinion is consulted prior to the imposition of the tax in each case ?"

The Hon'ble Mr. MANT replied :—"(a) A statement† is laid on the table showing the cantonments in which a profession tax is payable, the estimated yield of the tax in the year 1912-13, and, so far as the information is available, the proportion of the cost of establishment to the whole revenue in 1909-10 exclusive of profession taxes.

"The cost of collecting the profession tax cannot be given, as, so far as Government is aware, no separate establishments are maintained for this purpose.

"Profession taxes have generally been imposed in cantonments at the instance of the local military authorities in order to obtain revenue to meet the expenditure of the cantonments for which those authorities are responsible, and in many cases they replaced a system of license fees, the legality of which was open to question.

"(b) The Government is not aware of any orders having been issued by the Government of the United Provinces, prohibiting the imposition of profession taxes in cantonments as illegal. The circular quoted in the *Tribune* and referred to by the Hon'ble Member apparently relates only to the levy of a profession tax on the income derived from rents.

"(c) Profession taxes are imposed in cantonments under section 15 of the Cantonments Act, 1910 (Act XV of 1910). Proposals to impose such taxes are published locally for objections before the tax is imposed in each case.

* See Appendix C.

† See Appendix D.

[*Mr. Mant ; Mr. Hari Chand ; Mr. Fenton.*]

The duty of the Local Government as regards such taxes is confined to seeing that the taxes are legal and reasonable and the proposals of the local military authorities are then submitted for the sanction of the Governor-General in Council."

The Hon'ble Rai Bahadur HARI CHAND asked :—“(a) Will the Government be pleased to state for the information of the Council how many North-West Frontier prisoners belonging to that Province are kept in the Punjab jails and what is the cost of maintaining them in these jails and who pays ?

“(b) Is the cost of maintaining these prisoners being defrayed by the Punjab Provincial Fund, and, if so, what are the reasons ?”

The Hon'ble Mr. TOLLINTON replied :—“According to the report on the administration of Punjab jails for the year 1910 the number of prisoners from the North-West Frontier Province confined in those jails was 1,554 or 14 per cent. of the entire jail population. The cost of maintenance was on the average Rs. 58 per prisoner per annum or including guarding Rs. 73-6-11. The annual cost of maintenance of North-West Frontier Province prisoners was therefore Rs. 90,000 or including guarding Rs. 1,17,000. The cost of these prisoners is a charge against Punjab provincial funds, and this expenditure was taken into account in framing the last provincial settlement.”

The Hon'ble Rai Bahadur HARI CHAND asked :—“Will the Government be pleased to state the reasons why Lalas Pyari Lal and Devi Dyal have been expelled from the Jullundur cantonment ? Was the action against them taken under section 211 of the Cantonment Code ? Is the Government aware that that section applies only to criminals and disorderly persons ? Will the Government state if the aforesaid gentlemen were considered to be criminals or disorderly persons ?”

The Hon'ble Mr. FENTON replied :—“It is understood that Lalas Pyari Lal and Devi Dyal were excluded from the Jullundur cantonment under section 211 of the Cantonment Code. Section 211 provides that the Commanding Officer may take action under this section without assigning any reason therefor, but it also provides that such action may not be taken unless the Commanding Officer thinks that the presence of the excluded person in the cantonment is dangerous to good order or military discipline. The Hon'ble Member is mistaken in his suggestion that section 211 applies only to criminals and disorderly persons. On the contrary it is specifically provided in section 211 that an order of exclusion shall not be made if the only reason for making it is that the person is criminal or disorderly, the intention being that orders made on these grounds should be made under section 210 and not under section 211.

“The fact of the matter is that cantonments, being places specially set apart for military purposes, are subject to a special code of rules designed to ensure that the administration of such areas shall be carried on in the interests of the military population, and that nothing prejudicial or likely to be prejudicial to good order or military discipline shall be permitted. In some matters affecting cantonments the Local Government is empowered by law to exercise control and in many matters, as, for instance, when action is taken under section 210 of the Code, the Cantonment Magistrate's action may be brought under review in the ordinary criminal courts. But section 211 is not one of the sections in respect of which the Local Government is empowered to exercise control, nor is the action taken under it magisterial action which can be questioned by the District Magistrate or any higher judicial authority. Any petition about such action must be preferred to the higher Military authority or to the Government of India.”

PUNJAB COURTS ACT, 1884; (AMENDMENT) BILL.

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THE Hon'ble Mr. FENTON moved that the report of the Select Committee on the Bill to amend the Punjab Courts Act be taken into consideration. He said:—"The report was presented at the last meeting of the Council by the Hon'ble Mr. HUMPHREYS and I have nothing to add to the remarks which he then made. I may, however, have something to say when I have heard my friend the Hon'ble Mr. SHADI LAL in support of his amendments."

The motion was put and agreed to.

The Hon'ble Mr. SHADI LAL moved that section 40 (3) in clause 2 of the Bill be omitted and the following be substituted:—

"(3) Notwithstanding anything in sub-section (1) of this section no appeal shall lie to the Chief Court from a decree passed in appeal by any court subordinate to the Chief Court regarding the validity or the existence of any custom or usage unless the Chief Court is of opinion that the custom or usage is of sufficient importance and requires further consideration."

He said:—

"I need not read section 40 (3) in clause 2 of the Bill, as the Hon'ble Members will find it in the draft of the Select Committee.

"For the information of those Hon'ble Members of the Council, who are not fully acquainted with legal technicalities, I may be allowed to state briefly the facts in connection with my motion. A case in which there is a dispute as to the existence or validity of a custom or usage comes up for decision before a subordinate appellate court. That court decides the dispute in one way or another and the question arises whether there should be a second appeal on the question of custom to the Chief Court. Now there is a great deal of difference of opinion whether there should be an unrestricted right of appeal in the Chief Court. The learned Judges of the Chief Court are of opinion that all cases of custom should come up before them for decision. The Secretary of State for India is of opinion that there should be a restricted right of appeal on a question of custom and his opinion is embodied in the Bill which lays down two conditions which are *sine qua non* for a second appeal on custom. The conditions are—(1) that the custom must be of sufficient importance and (2) as laid down on the Bill, that the evidence with respect to it must be of such a conflicting nature that there is a substantial doubt to justify such an appeal. Both these conditions must be fulfilled before there is a second appeal on a question of custom to the Chief Court. In other provinces there is no such restriction and on a question of custom or usage there is a second appeal as a matter of right. In this province it is urged that unless some restrictions on the right of second appeal are imposed the work of the Chief Court will not be reduced and that was one of the reasons for introducing the present Bill.

"In pursuance of that policy, the restrictions which I have mentioned have been laid down. The question, however, arises whether the Divisional Court or the Chief Court should be the proper court to decide whether these conditions have been fulfilled or not. I have already pointed out that the Divisional Judge will be the Court to decide whether the custom has been established or not. Having decided that point he will then, under the present Bill, have to decide whether those conditions which give a right of appeal to the Chief Court have been fulfilled or not. I would submit that the Judge who has already given an opinion in deciding the appeal is not the proper person to decide further

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whether there should be an appeal from his judgment to the Chief Court. In other words he has to decide whether his judgment is right or wrong. I need not state that, the human nature being as it is, his natural predilection would be to say that his judgment was correct and no appeal should be allowed. When a Judge decides an appeal involving a question of custom there are only two courses open to him. Either he finds that the custom has been proved, and if he does find and he must find that on the evidence which has been produced, then he must necessarily, when the question of the grant of certificate comes before him, say that, in his opinion, there is no such conflicting evidence as to justify an appeal, and therefore he must necessarily reject the application for a certificate. Or the second possible alternative for him would be to come to the conclusion that the custom has not been established. That probably he has found after going through the evidence and after coming to the conclusion that the evidence is not sufficiently strong to establish the custom. If he finds that it would be difficult for him to say that the evidence is so conflicting that it justifies him in granting a certificate. As far as I can see the obvious course for the Divisional Judge will be to refuse the certificate. Therefore if any remedy is to be given my humble submission is that that remedy should be by way of an application to the Chief Court and the Chief Court, being the highest court, should be in a better position to judge whether the custom or usage is of sufficient importance and whether the evidence is conflicting or not. There is no difficulty in that procedure. But if you give to the Divisional Judge the power to decide the question whether the certificate should or should not be granted, and if he refuses the certificate, his decision on appeal, having become final, might be in conflict with the decision on a similar point of another Divisional Judge, and there would be no means of bringing about uniformity. One Divisional Judge, say of Lahore, holds that a certain custom is established and when an application for a certificate is made to him he rejects it; and there is no appeal or revision to the Chief Court. The order refusing the certificate is final and the decision of the question of custom is also final. In Gujranwala division exactly the same question arises and the Divisional Judge comes to quite a different finding and when an application for a certificate is made to him he thinks that he is perfectly right. The matter cannot go to the Chief Court although there are two different decisions on the same point and there is no procedure by which this mistake can be rectified. It is, therefore, necessary that the jurisdiction to decide whether the two conditions mentioned above are fulfilled or not should be given to the Chief Court. I find that in the original Bill, which was introduced in the Council, this jurisdiction was actually conferred on the Chief Court, and I have not been able to find any cogent reasons why the Select Committee went behind that decision. Two reasons have been given for introducing this change. The first is that the two parts of the sub-section contradicted each other. The obvious remedy for that was to remove the contradiction and redraft the Bill. That could have been easily done. It was purely a matter of drafting and did not affect the principle. The second reason is that if this jurisdiction is conferred on the Chief Court, it would involve a double hearing of each case in that Court and the object of the Bill is to reduce the work of the court. I do not know how it is urged that there would be a double hearing of the case. May I be allowed to point out that according to the practice of the Chief Court an application for revision or a petition of appeal first comes before a single Judge in Chambers and within five minutes the Judge decides whether the application or appeal should be admitted or not? If he comes to the conclusion that it should not be admitted he rejects it *in limine*. If he comes to the conclusion that there is something in the appeal or application then he admits it and notice is issued to the respondent. It is only when the other side appears that the real hearing of the appeal takes place. And this is the case with respect to every appeal whether it is a first appeal or a second appeal, and I fail to see why there should be any waste of time over the

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applications in which the only question is whether the appeal should be allowed or not. That argument does not appeal to me at all. I may, with your permission, Sir, point out further that this system of certificate has been tried in this province and has proved a failure. By the Punjab Courts Act of 1884, the certificate system was first introduced and the order of the Divisional Judge refusing to grant a certificate was made final. Four years later, that is to say, in 1888, by the Amending Act, XIII of 1888, it was decided that the order of the Divisional Judge should not be final and the Chief Court was given the power to revise the Divisional Judge's order refusing to grant the certificate. This system continued for 11 years, *i.e.*, until 1899, when an Act was passed whereby it was abolished altogether because it was a failure. I need not go into all the reasons against it, but I may state that the Judges of the Chief Court are unanimously opposed to it and they are the best authorities to speak on the subject. The amendment which I propose is one by which the matter whether the conditions are or are not fulfilled at once comes before the Chief Court and that court will be able to decide in a few minutes whether the requirements have been complied with or not.

"With these remarks, Sir, I beg to propose that the amendment be passed."

The Hon'ble Mr. MUHAMMAD SHAFI :—"Your Honour—To arrive at a correct conclusion with reference to the point in issue, it is necessary to bear in mind that the class of cases covered by the sub-section have, in this province, a unique importance of their own arising from the existence of conditions which have always been regarded as exceptional. The principle is now practically well established that, in the Punjab, agricultural tribes are presumably governed by customary law, there being no such presumption in the case of non-agriculturists. It is, therefore, clear that in the case of agricultural tribes, custom occupies exactly the same position as is occupied by what is termed personal law in reference to those whose ordinary occupation is other than agriculture.

"This being so, it is self-evident that the contemplated change in reference to appeals in cases involving decision on questions of custom directly affects that class of our population who have been rightly characterized by Your Honour as constituting "not only the backbone but the whole frame of the Indian Army." And over and above the fact that this branch of our law is connected mainly with a class whose welfare has always been considered as deserving the special care and attention of Government, there is one thing further which Hon'ble Members should bear in mind. As has often been said by learned Judges, with vast experience and thorough acquaintance of the existing conditions, custom in this province is as yet in a fluid state. Moreover, those who have daily experience of this class of cases must recognize that problems relating to our customary law are often full of complications and difficulties by no means easy of solution. Under these circumstances and in view of the vital interests involved I am strongly of opinion that the position taken up by the Hon'ble Judges of the Chief Court in relation to this question is absolutely unassailable. It seems to me that the learned Judges are perfectly right in holding that 'the highest Court should have the widest possible powers in the matter of ascertaining custom'; and I am, therefore, strongly of opinion that the power of the Court should not be hampered by conditions of the kind suggested by the Secretary of State and now recommended by the majority of the Select Committee. With all deference to the Right Hon'ble gentleman presiding over the affairs of the India Office, I, for one, recognize the soundness of the argument with which the official members of this Council must no doubt be thoroughly familiar that it is the men on the spot who, coming as they do into direct personal contact with the people of the country, have that intimate

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knowledge of local conditions and of the feelings and usages of the people which is essential to proper legislation in important matters of this description. It was a wise step on the part of the framers of the original Bill to have deferred to the views of the Chief Court in abandoning the certificate procedure and I regard the reversion to this antiquated system as entirely opposed to the necessities of the situation and to a proper administration of justice.

"As the Hon'ble Members are well aware the certificate procedure formed a part of the old Act of 1884 and was abandoned in the year 1899. The reasons which led to its exclusion from the statute governing the right of appeal to the Chief Court still hold good and I have not yet come across any valid ground justifying reversion thereto. Nay, the contemplated change advocated by the majority of the Select Committee is in a form calculated to give rise to a mischief far greater and a hardship far more acute than that involved in the old enactment which was repealed in 1899. Bearing in mind the fact that a Court which has decided a question of custom in a particular way is not, at least in the vast majority of cases, likely to certify that its own decision is erroneous or even open to doubt, the legislature, in view of the important interests concerned, had very rightly reserved to the Chief Court that power of admitting as further appeals cases of custom in which the Divisional Court had refused the necessary certificate. I have been practising long enough to have had ample experience of the working of the old Act of 1884, both in the mufassil and in the Chief Court. In spite of the power vested in the Chief Court under section 40, sub-section (2), of Act XVIII of 1884, as amended by the Act of 1888, Divisional Judges used to refuse certificates in at least 95 per cent. of cases. The majority of the Select Committee have now recommended reversion to the old certificate procedure shorn of the salutary provision empowering the Chief Court to admit cases in which the Divisional Court may have refused the necessary certificate on insufficient or even arbitrary grounds. This, to my mind, will result in what really amounts to a denial of justice in cases of peculiar importance affecting a class of people whose welfare and contentment are of the highest importance to the British Government itself. Having had over 19 years' experience at the Bar, belonging, as I do, myself to an agricultural tribe subject to the customary law of the province, I am in a position to declare that a departure from the position adopted by the Hon'ble Judges of the Chief Court is absolutely uncalled for and is likely to bring about highly undesirable results.

"A perusal of the speech delivered by the Hon'ble Mr. Humphreys, when introducing the Bill into this Council, shows that the main objects with which this Legislation has been undertaken, are two, *i.e.*, assimilation to the law of appeal prevailing in the other provinces and reduction of appellate work in the Chief Court with a view to remove existing congestion. So far as assimilation is concerned the recommendation of the majority of the Select Committee is not calculated to bring it about and when once it is recognized that cases of custom in this province have an importance of their own, that recognition ought to be given its fullest effect. And, in so far as reduction of Chief Court work is concerned, the extinction of the right of further appeal on facts in all cases except those involving custom will result in so great a saving of time that it will be no longer difficult for the Judges to cope with the work pending before them. And it is obvious that should the amendment now before the Council be accepted, it is not every case involving a question of custom that will be admitted as an appeal by the Chief Court. On the contrary, no appeal will be admitted as such unless 'the Chief Court is of opinion that the custom or usage is of sufficient importance and requires further consideration.' The apprehension of the Secretary of State that the proposal of the Chief Court 'would give every litigant a right of second appeal on all the facts involved, provided only he could plausibly allege that the existence of a custom having

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the force of law was in issue' will, thus, prove entirely groundless and the important interests involved will not be injuriously affected.

"There is another important aspect of this question to which it is necessary to invite the attention of Hon'ble Members. Under section 39 of the Punjab Courts Act an appeal lies as of right to the Chief Court in all suits of value exceeding Rs. 5,000. The result of the proposed legislation will be that while an appeal will lie direct to the Chief Court in all small cause and unclassified suits where the value thereof is over Rs. 5,000, no appeal will be admissible in land-suits in cases where the real value of land may well be four times as much, even when intricate questions of custom are involved, without a certificate from the Divisional Judge. The valuation of land-suits is artificially fixed at 30 times the land revenue by rules framed under the Suits Valuation Act while their real average value is 120 times the sum assessed as payable to Government. It follows, therefore, that the consequences of the proposed enactment will be highly anomalous and will involve special hardship upon land-owning classes in suits concerning the most valued form of property. A money-lender suing for a sum of Rs. 500 may have an appeal of right to the Chief Court on facts and law, but a zamindar litigating about an estate of the value of Rs. 20,000 will be deprived of a similar right unless the Divisional Judge chooses to grant him the required certificate. In this connection it should be borne in mind that the majority of cases involving a decision of custom are, as a matter of fact, land-suits.

"The view we are pressing for the acceptance of the Council can be supported by other cogent reasons, but the time to which I am limited being short, I conclude my remarks with an earnest appeal to Government to accept the amendment and thereby give effect to the unanimous opinion of the highest judicial Tribunal of the Province as well as of the Chief Court Bar—an opinion which is fully shared by the general public and more particularly by agricultural classes whose customs are mainly the subject matter of decision in this class of cases."

The Hon'ble Mr. FENTON said :—"Your Honour—The clause with which the present amendment is concerned contains a prohibition together with an exemption from that prohibition. The prohibition is directed against second appeals in cases described as existence and validity of custom cases. The exemption from the prohibition is a concession made in the interests of such of these cases as are certified to be important. The amendment leaves the prohibition untouched, but it challenges the method of exemption. Its object is to substitute the Chief Court for the Divisional Judge as the authority who shall certify as to the importance of a case entitling it to exemption from the prohibition, that is to say, entitling it to admission as a second appeal. Thus the Council is asked to decide between two rival expedients for effecting one and the same object, that object being the admission to second appeal of *important* cases affecting the existence and validity of custom. I do not lose sight of the fact that there is another condition requisite for a certificate, but I think the Hon'ble Mr. SHADI LAL will agree with me that it will be more convenient to discuss that other condition when we reach the third of his amendments on the agenda paper, it being understood that the vote of the Council on the present amendment will not prejudice that discussion.

"Now of the two rival plans for securing admission to second appeal of important cases that which Mr. SHADI LAL advocates was originally suggested by a Judge of the Chief Court. Not only so, but it was adopted by Government and was included in the Bill as introduced and circulated. It met however with such a hostile reception that the Select Committee decided to drop it and in that decision I believe I am right in saying that the Hon'ble Mr. MUHAMMAD SHAFI concurred. The Chief Court would have nothing to do

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with the proposal, although one of the Judges had originally been responsible for it; many other critics condemned it; but it was reserved to the Chief Court Bar Association, of which I understand both Mr. SHADI LAL and Mr. MUHAMMAD SHAFI are members, to deal the finishing stroke. I need therefore only quote from the memorandum drawn up by that body, in order to show how impracticable and inconvenient it would be for litigants, as proposed by Mr. SHADI LAL, to have to resort to the Chief Court to obtain the permission requisite for a second appeal, and what a waste of the time of the Judges would be involved by the proceedings dealing with such preliminary applications. The criticism of the Bar Association is as follows :—

'Section 40 (3) (b) is even more objectionable, and that on two grounds—*First*, it imposes upon the Chief Court the exercise of a preliminary discretion in a matter which the Hon'ble Judges may well think the Legislature itself is bound to decide But, *secondly*, because it does not in any way lay down how that discretion is to be exercised. Admitting for the sake of argument that a Judge may be able to decide on a perusal of the judgments alone whether a custom is of sufficient importance, how can he decide whether the evidence of it is conflicting or uncertain without considering that evidence? And would it be in accordance with practice for a Judge to come to any such decision without hearing counsel on both sides, in other words, without hearing the appeal? And if the appeal be admitted in chambers, will it be open to the respondents to raise the question of the importance of the custom or the character of the evidence at the hearing and to urge that no appeal lies? And (what is perhaps even more important from the litigant's point of view) is the full stamp on an appeal to be demanded before the Court has exercised its discretion or after.'

"These difficulties were also noticed by other critics. To the Select Committee they seemed insuperable.

"Mr. SHADI LAL'S plan having thus been killed by his own Bar Association, he has not confined himself to attempts to revive the corpse. He has in turn attempted to kill the plan of the Select Committee which has taken its place. That plan, which is commonly known as the certificate procedure, was suggested by the Secretary of State. Now what is this certificate procedure? Briefly it is a provision conferring upon the first appellate court a discretion to grant a certificate empowering the defeated party to file a further appeal in the Chief Court. The plan is not open to the objections brought by the Chief Court Bar Association against Mr. SHADI LAL'S expedient, because the application for a certificate is made, not to a court to which the facts and circumstances of the case are unfamiliar, but to one which, having dealt with the case itself, is well acquainted with all its particulars and is thus in a position readily to determine whether the conditions as to importance and as to the nature of the evidence which are requisite for a certificate are or are not fulfilled. Moreover the application for a certificate must be made while the facts and circumstances of the case are fresh in the mind of the Court, and would ordinarily be made at the time of delivery of judgment, thus obviating all the expense and delay of separate proceedings in the Chief Court, which would probably be at a distance from the residence of the litigant.

"Now what the advocates of this expedient for securing a right of second appeal in important cases have most to complain of is the repetition of the parrot-like cry of its opponents that the certificate procedure was tried before and proved a failure. It was tried before. It was in operation prior to 1899, and it was abolished by the amending Act of that year; and I am prepared to admit that it was abolished because it proved a failure. But has the Hon'ble Member ever investigated the causes of its failure? He probably has not

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done so, because the correspondence and reports on the subject have not been published. I have seen them, however, and I can tell him why the certificate procedure did not prove successful when tried before in the Punjab. It was a failure because of the clause which, prior to 1899, stood in the Punjab Courts Act, allowing applications for revision to be preferred against refusals to grant certificates. In practically every case in which a certificate was refused a revision application against the refusal was lodged in the Chief Court, where the whole case had to be gone into in that Court and all the inconveniences and anomalies apprehended by the Bar Association were realised in actuality. Under such circumstances there was no saving of time or diminution of litigation and, saving of time and diminution of litigation being the only *raison d'être* for the certificate procedure, the system naturally fell under condemnation and came to be regarded as a farce and a failure. But the condemnation ought to have been reserved for that feature of the system which alone operated to bring it into discredit. The farce and failure were due to nothing else than the provision made in the scheme for the revision by the Chief Court of refusals to grant a certificate. We are not repeating this blunder. Forewarned is forearmed. Under the present Bill we have taken good care that there shall be no revision applications allowed against a refusal to grant a certificate, and that the order of the first appellate court shall be final. I therefore sincerely trust that the Council will have nothing whatever to do with the fifth amendment which stands in Mr. SHADI LAL'S name, the object of which is to make provision for revision applications against refusals to grant certificates, and thus to repeat the error which led to the former break-down of the system.

" Nothing in the past history therefore of the certificate system forbids its resuscitation now that we have taken the precaution of freeing it from that mischievous feature which brought about its former failure. Nor are there any *a priori* grounds for regarding the system as unsuitable. Writing in 1887 the Registrar of the Chief Court said: 'The Judges are not prepared to condemn the system of certificate appeal. This, though only an expedient, has, like the further appeal, the unquestionable merit of being sound in principle and of enabling a Court to do complete justice.'

" If we look elsewhere, we shall find that the system is not unknown. In our own province it governs appeals from the Chief Court to the Privy Council, and it also has been adopted in the Bombay and Calcutta Improvement Acts. In connection with the latter enactment it found a stout defender at the last meeting of the Supreme Legislative Council in the Hon'ble Mr. ALI IMAM, the Legal Member, who regarded it as a necessary safeguard against the waste of time of higher tribunals.

" Then there is the argument that human nature being human nature Divisional Judges will be reluctant to grant certificates for appeals against their own orders. This argument has been so effectually demolished by Mr. ALI IMAM in the Council meeting to which I have referred that it will suffice to quote his words:—

" Mr. ALI IMAM said:—Then, my Lord, I find some of the Hon'ble Members have gone and appealed to human nature. The Hon'ble Mr. SHAMSUL HUDA, who himself adorns one of the most lucrative branches of the profession in the Calcutta High Court, has put forward the argument that human nature is human nature, and as long as that human nature exists, it is hopeless to expect anything but an expression of misguided and misconducted exercise of discretion. I join issue with my Hon'ble Friend there. I submit that the president of the tribunal, if he is a vakil of the High Court, I have not the least doubt that my Hon'ble Friend on the other side will concede him some independence and some power of ignoring human nature. If he happens to be a barrister,

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I have equally great faith that he will be able to exercise his judgment carefully; so also in the case of an advocate. Well, all these belong to the profession to which I have the honour to belong myself. But, my Lord, if I am so full of praise for the profession to which I am proud to belong, I cannot shut my eyes to those who also in this country have added lustre to the administration of justice. These judicial officers in themselves, my Lord, are pillars of administration, and it is not meet for us for one moment to hold that they are less independent, less able to ignore their own idiosyncracies than men in the profession. But, my Lord, I find that this question of certificate is not a new one that has been started in this Council. I will not quote the Bombay Improvement Act. I find even appeals to the Privy Council are subject to the same conditions. The High Court is asked to give permission in case of appeal to the Privy Council. And is it not a sound principle? Are not higher tribunals to be protected against waste of time? And should not we, who have trust in our Courts, also have faith in this, that they will decide this question from the point of view of independence and with a degree of personal detachment which has always distinguished them.'

"May I remind the Council, with reference to the Hon'ble Mr. ALI IMAM'S appreciative remarks regarding the judicial service in Bengal that in 1906, as Mr. Humphreys has already told us, the Chief Court reported that the Divisional Judges in the Punjab were in no way inferior to the District Judges of the Regulation Provinces, and that they had a training and experience in judicial work which the latter usually had not.

"However, this is a digression. Coming back to the main issue raised by the present amendment, I strongly advise the Council to reject any scheme which is conceived with the object of driving litigants in greater numbers into the Chief Court. That Court is the tribunal of the rich man in which the longest purse wins. I say this in no invidious sense, but simply to emphasize the advantage which is enjoyed by the party which can afford to employ the most powerful advocates and the fact that even victory, after protracted litigation in the appellate stages, may mean financial ruin for the successful party. Some such idea underlies the Punjabi proverb quoted by the Deputy Commissioner of Gujrat—

Jityá so háty

Háryá so máryá.

He who wins is lost, and who loses is dead."

The Hon'ble Mr. SHADI LAL said:—"If I may be allowed to say so, some of my arguments have not been properly understood and answered. The Bar Association gave its opinion on the Bill as it stood at that time, and the Bill, as it stood at that time, contained two contradictory clauses. Clause (a) was 'Nothing in sub-section (1) of this section shall be deemed to authorise an appeal regarding the validity or the existence of any usage or custom.' Clause (b) ran as follows:—

'An appeal regarding the validity or the existence of an alleged usage or custom shall lie to the Chief Court from an appellate decree of any Court subordinate to the Chief Court if the Chief Court is of opinion that—

(i) the alleged usage or custom is of sufficient importance; and

(ii) the evidence regarding it is so conflicting or uncertain that there is substantial doubt as to its validity or existence.'

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"These were the original clauses, and the opinion of the members of the Bar Association was that these restrictions should be removed altogether, and the suggestion of the learned Judges of the Chief Court was that where there is a question of custom or usage there should be an appeal and there should be no restriction on the right of appeal. It was argued by the Bar Association that the question for decision would—be whether a certain custom or usage is or is not of sufficient importance, and whether the evidence regarding it is so conflicting or uncertain that there is a substantial doubt regarding its validity or existence, and that the Hon'ble Judges of the Chief Court could not decide the point unless they went through the evidence. In short, the Bar Association says that before deciding the point the Chief Court will have to go into the evidence, and argues that, such being the case, what is the use of certificates? Give them the right of appeal and remove all these restrictions. To remove that defect I want to substitute the words :—' It requires further consideration.'

"These words will be found in the present Punjab Courts Act, and were introduced by the amending Act of 1899 which was passed by the Imperial Legislative Council. These words have been fully understood. That Act has been in operation for the last twelve years. The Judges understand what an important question of custom is and when it requires further consideration. There is no difficulty in deciding at once whether the conditions have been fulfilled or not. But I foresee difficulties with reference to the words 'the evidence is so conflicting, etc., etc.' I myself quite appreciated that, and therefore proposed to cut out those words. It is hardly fair to quote the remarks of the Chief Court Bar Association made in connection with the wording of the original clause which I propose to leave out. These remarks were made against the original clause with a view to induce the Legislature to remove the restrictions on the right of second appeal. They can hardly be used as an argument in favour of the certificate provision which did not exist in the Bill and upon which the opinion of the Bar Association or any other person was never invited. If the public bodies and the judicial officers had been consulted as to the desirability of having the certificate system, the result would, I am sure, have been decidedly against the alternative adopted by the Select Committee. Then the Hon'ble Mr. FENTON says that in 1887 the Judges of the Chief Court said that they were not opposed to the certificate system. That was an opinion given after three years' experience. Is that opinion more valuable or the opinion which they expressed in 1899 after 11 years' experience? The Bombay Improvement Act and a similar Act in Calcutta have also been relied upon. But these Acts apply to a limited area and a limited class of cases, and cannot properly be used as an argument in support of a system which applies to the second appeals in all cases of custom or usage in the whole of the Province. Further, the law of appeal to the Privy Council has been referred to. In this connection I may point out to the Hon'ble Mr. FENTON that in cases where the value of the subject-matter of the suit and of the appeal is Rs. 10,000 or upwards the certificate must be granted. If the value is less than Rs. 10,000, then the only point to be considered is whether the decree or order appealed from involves some substantial question of law. May I further point out that if the Chief Court or the High Court refuses to grant the certificate in the second class of cases, the aggrieved party is entitled to go to the Privy Council at once and apply for permission to appeal, and that the Privy Council does sometimes exercise its powers and admit an appeal, even though the certificate has been refused. It has been contended that the certificate system proved a failure because the Chief Court was given the right to reverse the order refusing the certificate. I, for one, am unable to understand why the certificate system should prove a failure because the Chief Court is given the power of correcting the mistakes of the subordinate courts. When the matter comes before the Chief Court, either that Court at once says that the order of the Divisional Judge refusing the certificate is right and then rejects the application for revision at

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once,—if this is so, there is no waste of time,—or the Chief Court comes to the conclusion that the order of the Divisional Judge is wrong and therefore it should be set aside and the certificate be granted. If it is a fact that an injustice was done by the Divisional Judge, it ought to be removed by the highest authority. That is a good ground for the grant of the certificate. The certificate system failed not because of the right of revision, but on account of its inherent defects. I will therefore submit that a sufficiently strong case is made out for the amendment which restores the original provision of the Bill without its defects, and no case has been made out for the certificate system which has been universally condemned. The matter is important and opinions have not been invited as to whether the certificate system should be introduced. A very important change has been made by the Select Committee without consulting the public and the Chief Court. I request, Sir, that the opinion of the learned Judges of the Chief Court and other judicial officers should be invited before a matter of far-reaching importance becomes a law of this Province."

His Honour the PRESIDENT said:—"Gentlemen, with reference to the point raised by Mr. SHADI LAL as to the finding of conflicting verdicts by two Divisional Judges in adjoining districts, I would point out that the second judge would be more or less bound to grant a certificate of appeal, supposing that he came to an unfavourable decision which was the reverse of the decision of the first Judge. But this whole question is one of the greatest importance to the Province. We should be only too delighted if all questions relating to custom and usage could be decided by the highest tribunal; but there is an old adage "*Interest rei publicae ut sit finis litium*," it is to the advantage of the commonwealth that there should be some end to litigation. There are also financial considerations.

"As regards land cases we have heard for many years that the customary law of the country is extremely fluid. It is indeed with the greatest difficulty that you can ascertain from the people themselves what the local customs are. But during the last forty years many illuminating judgments have been passed by the Chief Court on points of custom, and I do not think it can be held now that the law as regards custom in the Punjab is so extraordinarily fluid that it is necessary to lay appeals on questions of custom in all cases before the Chief Court.

"If Mr. SHADI LAL'S amendment is accepted, it will be very hard for a Judge of the Chief Court to say that a question of custom is not of sufficient importance to require further consideration. All the same I agree that there is a great deal to be said on both sides of the question, which is evidently complicated by the fact that the valuation of land suits for the purpose of jurisdiction does not represent the true value of the land. I personally consider that we have arrived at a stage both as regards customary law in the Punjab and as regards the qualifications of the Courts to render it desirable to put some stop on further litigation going beyond the Divisional Courts."

The motion was put to the Council and lost.

The Hon'ble Mr. SHADI LAL moved that in section 40 (3) of clause 2 for the words 'a Judge of the Divisional Court' the words 'the Judge of the Lower Appellate Court' be substituted. He said—"The reason why I move the amendment is that in some cases District Judges also decide some appeals, and it is only proper that in such cases an application for certificate should be decided by the Judge who has heard the appeal."

The Hon'ble Mr. FENTON:—"I see no objection to the amendment, which would be a great improvement."

The motion was put and agreed to.

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The Hon'ble Mr. SHADI LAL moved that in section 40 (3) of clause 2 for the words 'that the evidence is so conflicting or uncertain that there is substantial doubt regarding its validity or existence as to justify such appeal,' the words "requires further consideration" be substituted. He said:—"The object of the amendment is *inter alia* to remove the ambiguity which in my opinion the words 'substantial doubt' introduce. I foresee difficulties ahead if the phrase is allowed to stand. Different Judges will interpret 'substantial doubt' in different ways. The phrase, which I now propose, that is, 'further consideration,' is known to the courts. It already exists in section 70 (1) (b) of the Punjab Courts Act, and has caused no difficulty in interpretation. The Judges and the members of the Bar are acquainted with its exact significance. Moreover, the words 'the evidence regarding it is so conflicting or uncertain that, etc.' would reduce the provision to a dead letter. As I have already stated, in both the cases, that is, whether the lower appellate court decides in favour of custom or against it, it would not grant the certificate. If the court had been convinced that the custom was proved, and that could only be if the evidence in favour of it was strong, it would reject the application for certificate because the court could not very well say that the evidence regarding the custom is conflicting and uncertain. If, on the other hand, the court, while deciding the appeal, holds that the custom is not proved and that it would do when the evidence in favour of the existence or validity of custom is not convincing, it cannot grant certificate on the ground of insufficient and bad evidence in favour of custom. In either case the certificate will be refused."

"I, therefore, move that the amendment, which is of a simple nature, be accepted."

The Hon'ble Mr. FENTON opposed the motion which was put to the Council and lost.

The Hon'ble Mr. SHADI LAL moved that in the second proviso of section 40 (3) of clause 2, 'sub-section (1)' be substituted for 'sub-section (3)' and 'this sub-section' be substituted for 'that sub-section.'

The object of this amendment is to correct a mistake in drafting. The appeal is given by sub-section (1); and sub-section (3) restricts the right of appeal.

The Hon'ble Mr. FENTON:—"I agree to this amendment; it may be accepted."

The motion was put and agreed to.

The Hon'ble Mr. SHADI LAL moved that the following sub-section be added to section 40 of clause 2:—

"When an application under sub-section 3 of this section has been refused, an application for revision may within thirty days from the date of the refusal be presented to the Chief Court, and if the Chief Court is of opinion that the question of custom or usage involved in the case is of sufficient importance and requires further consideration, the Chief Court may deal with the application for revision as if it were a second appeal."

He said:—"Your Honour,—In 1884 the certificate system was introduced for the first time, and under the Punjab Courts Act of 1884 the order of the Divisional Judge refusing the certificate was final. It was soon felt that the highest court in the province should have the power to revise the orders of the Divisional Judge, and in 1888 necessary amendment for that purpose was made.

"In order to produce uniformity in the decisions of the lower courts on points of custom, which the people of this province value very much, it is

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necessary that the Chief Court should be empowered to correct the mistakes of the lower courts by revising their orders refusing certificates and then hearing appeals on custom. The Hon'ble Mr. FENTON, in his speech on my first amendment, cited the analogy of the certificate system in connection with appeals to the Privy Council. I may be allowed to point out that the orders of High Courts refusing certificates are not final, and that the Privy Council has the power to, and does sometime, grant leave to appeal when the certificate has been refused by a court in India. It is rather strange that the Chief Court should not have similar power in connection with the orders of the subordinate courts."

The Hon'ble Mr. FENTON :—" If the amendment is accepted it would flood the Chief Court with numerous applications. The considerations of distance and of cost prevented the Privy Council from being flooded by applications of this kind."

The motion was put and lost.

The Hon'ble Mr. FENTON moved that after clause 4 the following be inserted :—

" 4 A. After section 64 of the Punjab Courts Act, 1834, the following shall be inserted :—

" 64 A. Whenever any person holding an office in the service of Government who has been invested with any powers under this Act throughout any local area is transferred or posted at any subsequent time to an equal or higher office of the same nature within a like local area, he shall, unless the Local Government otherwise directs or has otherwise directed, exercise the same powers in the local area to which he is so transferred or posted."

The motion was put and agreed to.

The Hon'ble Mr. SHADI LAL moved that clause 7 of the Bill be omitted. He said :—" Your Honour,—The amendment which I now propose raises the question whether the value for purposes of courts-fee should be raised from five times the land revenue to ten times. The Court-fees Act is a general Act applying to the whole of India, and I am not in favour of the constant efforts which are made to have laws in this province different from those obtaining in other provinces. No necessity for making the change in the value for court-fee has been felt in any other part of India, and the sole reason given for the change in this province is that the market value of land has increased considerably. If that is a justification for raising the value for purposes of court-fee, it is an equally strong argument for raising the value for purposes of jurisdiction. In this province, as the law stands at present, the jurisdictional value is six times the value for fiscal purposes. If the latter is going to be ten times the land revenue, the former should, by a notification under the Suits Valuation Act, be raised to sixty times the land revenue. I have twice asked the Government whether it would issue such a notification, and on both occasions have received a reply in the negative. Surely the position taken by the Government is inconsistent. The officers of the Government, in defence of clause seven of the Bill, say that the market value of the land is more than a hundred times the land revenue. Is it then right that the jurisdictional value of land should continue to be thirty times the land revenue? The Hon'ble Judges of the Chief Court have repeatedly drawn the attention of the Government to this anomaly. In the last letter on the subject the Registrar of the Chief Court says as follows :— ' I am again to invite attention to the opinion of the Judges, expressed in paragraph 3 of Mr. Craik's letter No. 3555 G., dated the 16th August 1906,

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regarding the limits of the jurisdiction of Divisional Courts in land suits. To the opinion thus expressed the Judges entirely adhere. They still think that suits for land of an actual market value of over Rs. 5,000 should most certainly come before the Chief Court. They do not wish to repeat in detail the argument then adduced in support of this view, but I am to request that what was then suggested may be put before His Honour the Lieutenant-Governor and, if possible, he may be moved to reconsider his previous decision.' No reason has so far been given why the recommendation of the Chief Court has not been accepted.

"This artificial value for jurisdiction is likely to create complications in future. I shall make my meaning clear by means of an illustration. A plaintiff institutes a suit for possession of land assessed at Rs. 150. The value for purposes of jurisdiction will be Rs. 4,500, and the suit will ordinarily be heard by a District Judge. Suppose, the District Judge dismisses the suit on a pure question of fact and the Divisional Judge, on appeal, disagrees with him and decrees the suit. The defendant will not be able to file an appeal in the Chief Court, because there is no question of land involved in the case. But the absurdity is that the market value of the land being above Rs. 10,000 and the courts having differed on a question of fact, the defendant will have the right of appealing to the Privy Council and asking that tribunal to go into the facts of the case. In other words, the aggrieved person will have to go to England for getting justice which is denied to him in India, and the Privy Council will have to decide questions of facts which ought to be decided by the Chief Court. This absurdity, which is avoided in other provinces, by making the market value as the test for jurisdiction, is the result of the rule which makes jurisdiction depend upon the artificial valuation of thirty times the land revenue. In view of these circumstances and the fact that the Government still insists on retaining the present rule for jurisdictional purposes, I think that the only consistent course to adopt is to reject the proposal to enhance the value for purposes of court-fee."

The Hon'ble Mr. MUHAMMAD SHAFI supported the amendment.

The Hon'ble Mr. FENTON said:—"Your Honour,—Although I must oppose this amendment, I consider that the Hon'ble Mr. SHADI LAL has performed a public service in bringing it forward, because the discussion which it must necessarily evoke will serve to throw light upon and ventilate the extraordinary and anomalous conditions which operate as an incentive to land litigation in this province. The charges which Government levies from those who resort to the courts for the settlement of their disputes are fixed by the Court Fees Act, 1870, at $7\frac{1}{2}$ per cent. of the value of the subject matter in each case when the value does not exceed Rs. 1,000 and at a slightly lower percentage when the relief sought exceeds that amount. In principle there is no distinction between land suits and suits for money. The declared intention of the Act is that court-fees shall be levied on the value of the subject matter in both cases. That is the principle, and that is the intention of the legislature. But what is the practice? In a money suit for a thousand rupees the court-fee is Rs. 75. In a suit for a house or for a horse or for a garden or for moveables valued at Rs. 1,000 or even for land valued at Rs. 1,000, if the land is not assessed to land revenue—in all these cases the court-fee on the plaint is Rs. 75. But if the land for which the suit is brought is assessed to land revenue, its market value for the purpose of court-fee assessment is determined in a special way. A different scale comes into operation. Take the case of land which is of the average value of Rs. 100 per acre, Rs. 1,000 representing ten acres, and assume that each acre bears the average assessment of Re. 1: what is the court-fee leviable on a plaint relating to that land? Is it Rs. 75? No. Is it Rs. 50? No. Is it Rs. 10? No. The court-fee is no more than Rs. 3-12-0 as compared with Rs. 75 which it would amount to if the suit were a money one. It comes

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to this, then, that for six annas Ram Baksh can go to law about an acre of land and Government is for that sum bound to place at his disposal the court, the court house, the judge and all the paraphernalia of our judicial machinery. Talk of cheap tickets for theatrical performances; was there ever a system better calculated to convert our courts into theatres for the indulgence of the national pastime of litigation? Six annas only for the whole *tamasha* of a *mukaddama samin*! What we are now proposing, and the Hon'ble member is opposing, is to raise the price of a ticket to 12 annas. If it were a money suit of the same value the price would be Rs. 7-8-0. That this enormous difference between the scale of court-fees in money suits and in land suits respectively was never intended is clear from an examination of the correspondence connected with the Court Fees Acts of 1867 and 1870. It was reported by the Punjab Government in 1869 that 8 times the land revenue, the rate in force under the Act of 1867, might in some districts give a valuation in excess of market value, and accordingly the recommendation submitted to the Government of India was that the Local Government should be empowered to fix the multiple of the land revenue which would represent the market value of land in each district, subject to a maximum of 10 times the land revenue. As we all know, the rate eventually adopted in the Court Fees Act of 1870 is 5 times the land revenue for temporarily settled land and 10 times the land revenue for land under permanent settlement. That such low multiples as 5, 8 or even 10 times the land revenue should have ever been taken as the equivalent of the market value of land astonishes us now, and has created the impression that it was never really intended that for court-fee purposes land should be valued at anything approaching its market value. But when it is mentioned that in the year 1869-70 the average market value of land in the Punjab as ascertained from the sale prices of over a lakh of acres sold in 4,127 transactions all over the Province—vide statement No. XXXV of the Land Revenue Report of that year—was only Rs. 10 an acre, and that the average land revenue assessment was Re. 1-1-3 per acre, it will be realised that five times the land revenue was then only a few rupees short of the actual average market value of the land, and that ten times the land revenue exceeded it.

The legislators responsible for the Court Fees Act evidently anticipated that as the market value of land rose its land revenue would be enhanced *pro rata*. Little did they realise the extraordinary profits which were in store for land-owners, or the extraordinary leniency of our Punjab settlement policy. While, on the one hand, the average value of land has risen from Rs. 10 to over Rs. 100 per acre, that is to say, by over a thousand per cent., the incidence of the land revenue has risen by two pies per acre or by less than one per cent. In the face of such a revolutionary change in the relation between land revenue and market value to adhere to the same land revenue basis of valuation as was in force 40 years ago not only places a premium on land litigation, but is a gross injustice to the general tax-payer. Speaking in Council on the Bill which became the Court Fees Act of 1870 that distinguished jurist, the late Sir Henry Maine, said:—

“The part of the community which in India avails itself of the courts contributes less to their cost than the corresponding section of any civilized community, although the courts in this country are resorted to in many matters which elsewhere are settled by private adjustment. All the rest of the expense of the administration of justice is paid by the general body of tax-payers for which Government is trustee.”

“If these words were applicable in 1870 are they not ten times more applicable now to that section of the community which carries on land litigation in our courts?”

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"So far I have confined myself to the issue directly raised by the present amendment. The Hon'ble Mr. SHADI LAL has not done so. He has introduced an entirely irrelevant question. His line of argument is somewhat as follows:—The raising of the valuation basis for court-fees is a Government measure. It produces some additional revenue for the exchequer. It may be that the measure is desirable on its merits. It may be that the additional revenue which it will yield will be insignificant. But as it is a Government measure Government should make some *per contra* concession if the Council is to accept it. The particular concession which he asks for is the raising of the jurisdiction value of land from 30 to 60 times the land revenue. Concession to whom? Concession, I take it, to the lawyers and to all who draw their living from the litigating propensities of the people. If the valuation basis for jurisdiction were, as desired by the Hon'ble Mr. SHADI LAL, to be raised to 60 times the land revenue, the effect would be to remove a large number of appeals now satisfactorily disposed of from the courts of Divisional Judges and to throw them into the Chief Court which is already overwhelmed with work. The further away from their homes you take people for the purpose of their litigation and the higher the court to which they have to resort the heavier will be the bill for the services of their legal advisers. That is my reason for regarding this proposal as a concession to the lawyers.

"But let us look at it on the merits. There is a certain specious plausibility about the argument that if the subject-matter of a land suit is really of the value of Rs. 10,000 the appeal ought not to be heard by a Judge whose pecuniary jurisdiction is limited to Rs. 5,000, but who acquires jurisdiction by reason of the real value of the subject matter being underestimated through the application of the 30 times the land revenue standard. There are several answers to this objection. The object of the Suits Valuation Act of 1887 and the rules thereunder was, not that we should secure a strict conformity of jurisdiction value to market value—the Act does not mention the expression market value,—but that we should place at the disposal of the courts a definite jurisdiction value scale, so that their time might not be wasted in enquiries which are merely subsidiary to the decision of the case on its merits, and that litigants might not be exposed to the hardships which arise from technical uncertainty as to jurisdiction due to doubts about the value of suits. That this is the intention of the Suits Valuation Act is confirmed by what happened when the rules under the Act came to be framed in 1888. The Financial Commissioner being regarded as an expert was asked to frame the rules. The draft which he submitted fixed 75 times the land revenue as the suitable multiple representing the market value of land at the time. Did the Chief Court accept this? No. The Judges prevailed upon Government to reduce the multiple to 30 times the land revenue. The correspondence on the subject seems to show that conformity of jurisdiction to market value was in the opinion of the Chief Court of far less importance than the necessity for avoiding the wholesale dislocation of civil judicial business which would have resulted from a transfer by a stroke of the pen of thousands of cases from lower to higher courts consequent upon the adoption of a jurisdiction value pitched as high as was proposed by the Financial Commissioner. If such a dislocation of civil judicial business was considered undesirable by the Chief Court in 1888, how much more undesirable and unnecessary too would it be now that the lower courts have so much improved in efficiency? In any case, it would be quite out of the question to undertake any alteration in the jurisdiction basis of valuation without having either made provision for a corresponding increase in the pecuniary jurisdiction of the courts,—a measure for which legislative authority would be necessary, and which would, I apprehend, by no means commend itself to the Hon'ble Mr. SHADI LAL,—or for a material increase in the strength of the Chief Court. The Punjab Government has no authority at the present

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time to give a guarantee that either of these measures would be sanctioned by the Government of India, and without one or other of them no alteration of the jurisdiction valuation scale would be feasible. And why should we allow the judicial powers of courts to vary according to the fluctuations of a fickle metal standard? Twenty-seven years ago when the Punjab Courts Act was passed Rs. 5,000 represented a sterling value of £416. The present day equivalent is only £333; but if the intrinsic value of the silver in Rs. 5,000 be regarded the jurisdiction limit has sunk to under £250. After all the constant factor for the purpose of jurisdiction valuation is or ought to be the number of acres of land or maunds of grain in respect of which each tribunal is empowered to adjudicate, not the number of coins of fluctuating value by which the values of these quantities are denoted at any given time. Now I have said that the introduction of the jurisdiction valuation question by Mr. SHADI LAL is irrelevant. It is irrelevant because if his proposal were adopted the decision would not affect any of the clauses of this Bill or any sections of the Punjab Courts Act itself. Any action that might be necessary would not be legislative action, but would be action taken executively by the local Government with the sanction of the Government of India. But admitting that there is relevancy in subject matter between valuation for court-fee and valuation for jurisdiction purposes, what sort of action does that relevancy suggest? Surely if the two scales are brought into comparison the action which suggests itself is not that we should widen, but rather that we should abolish the disparity between the two valuation rates of 5 times and 30 times the land revenue. Having regard to origin and objects there is far more justification for making the court fee valuation conform to market value than there is in the case of the jurisdiction valuation. Under the customs tariff, in our octroi schedules and in our stamp administration, when it is a case of non-judicial stamps, as for instance, stamps on land sale deeds, we do not allow this divorce between taxation rates and market values which has been allowed to occur in the case of court fees in land litigation suits. I should not be surprised if the low court-fee in land suits which must make it cheaper to transfer land by a decree in a collusive suit than by a transfer deed bearing an *ad valorem* stamp leads to resort to such a device. We have already had experience of such collusive suits substituted for transfer deeds as a device for evading the Land Alienation Act. Surely then so far from perpetuating the existing disparity between the court-fee and jurisdiction scales our efforts should be directed towards abolishing or at any rate diminishing it. The proposal of the Hon'ble Mr. SHADI LAL has the opposite effect. To raise the jurisdiction valuation from 30 times to 60 times the land revenue while leaving the court fee valuation at 5 or even 10 times the land revenue is at any rate a proposal for which Mr. SHADI LAL can certainly not plead logic or consistency as a basis of justification.

"The issue, then, which is now before the Council is as follows:—The clause, which by the present amendment the Hon'ble Member asks us to delete, effects a much-to-be-desired reform, needed not only in the interests of the general tax-payer but also as a measure directed against excessive and unnecessary litigation. If it is assailable at all it can be criticised only on the ground that it does not go far enough. But though the desirability of this reform cannot be questioned, the Hon'ble Member would have the Council reject it because Government declines to enter into a bargain with him, and give a promise that another change in the law—wholly irrelevant and unconnected with the present Bill—will be introduced. Government declines to give such a promise because the desirability of the proposed change in the law has not been convincingly made out, because it could not be carried out without the sanction of higher authority, and because it could not be carried out without a judicial reorganization which would be both expensive and for other purposes quite unnecessary. The amendment moved by the Hon'ble Member, therefore, seems to me to be undeserving of the support of this Council.

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The Hon'ble Mr. SHADI LAL :—"Your Honour—I am sorry to find that the Hon'ble Mr. FENTON has introduced a discussion about the lawyers, their fees and the concessions to them. That is the argument which is too often used, and I wish he had not repeated it here. His reference to it and the manner in which he has done it look like an argument *ad hominem*. May I mention for the information of the Hon'ble Member that those who are responsible for this amendment are already overwhelmed with work and do not want more cases? Their constant effort is to get rid of the cases which are offered to them. In proposing this amendment, they are not grinding their own axe, but are putting forward before the Council what they consider proper in the interests of justice. Granting, for the sake of argument, that the lawyers have a purpose of their own to serve, what has the Hon'ble gentleman to say about the Judges of the Chief Court who have so often and so strongly advocated for the change? Have they some ulterior motive in making this proposal?

"It is rather strange that my Hon'ble friend should quote the opinion of the Judges expressed in 1888 and omit to cite their recent opinion which in view of the altered circumstances is much more valuable.

"The Hon'ble Member says that in principle there is no distinction between land suits and other suits. Quite so. But why should a Munsif, who cannot try a suit for the recovery of Rs. 1,100 have jurisdiction to adjudicate upon a suit for land, the artificial value of which is Rs. 600, but the real value is Rs. 2,000? The Hon'ble gentleman does not see this anomaly, nor the one I mentioned in my opening speech. He has advanced arguments based on expediency which are hardly to the point. In other provinces this anomaly does not exist, and there is no reason why this province should be treated in a different manner.

The Hon'ble gentleman does not see the relevancy of the question as to the jurisdictional value. Surely if the question of court-fee is relevant in an Act dealing with the law of appeal in the Chief Court, *à fortiori* the matter of jurisdictional value is relevant to that dealing with the value for purposes of court-fee. I would like the Council to consider the matter on its merits and not to be influenced by extraneous considerations."

The motion was put and lost.

His Honour the PRESIDENT suspended the rules in order to enable the Hon'ble Messrs. DIACK and FENTON to move the following amendments.

The Hon'ble Mr. DIACK moved that in section 40 (3) of clause 2 the word "such" be inserted between the words "there is" and "substantial."

The motion was put and agreed to.

The Hon'ble Mr. FENTON moved that in section 40 (2) of clause 2 the words "under this section" be inserted between the words "may be" and "from."

The motion was put and agreed to.

The Hon'ble Mr. FENTON moved that the Bill as amended be passed.

The Hon'ble Lala SULTAN SINGH :—The object of this Bill is to bring the law of appeal in the Punjab in conformity with other provinces. *Primâ facie* there is no reason why the Punjab should enjoy a greater latitude in regard to further appeal than is the case in the more advanced provinces. It has been recognised that this privilege was allow-

Lala Sultan Singh.

ed in this province because the judiciary here did not possess as high a standard of efficiency as was required to give a finality to the decisions of the lower appellate courts. It was therefore thought necessary to safeguard the interests of litigants by giving them an opportunity of getting any possible injustice redressed by the highest court of appeal. I can, of course, speak from the point of view of a layman. The main question is whether our lower courts command the same respect and confidence as in other provinces. I believe the judiciary of the lower courts in other provinces is mostly recruited from the practising lawyers, who from the very nature of their training are expected to grasp the intricacies of the case and weigh the evidence properly.

"I admit that, although there has been appreciable improvement in the efficiency and morale of the subordinate judicial officers, yet I cannot help voicing the general opinion that we are still far behind in the method of their recruitment, inasmuch as some of them are appointed on account of other considerations than that of merit and judicial training alone. In a recent review on the Civil Justice Report it was recognised that there was great disparity in the work of different Divisional Judges, and this is a fact of which the public are too well aware by their own experience. This Bill can only be supported on the assumption that our Divisional Judges have now reached the same standard of efficiency as prevailing in other provinces.

"As to the details of the Bill touching the determination of the importance and doubt as to the validity and existence of a custom or usage for the purpose of securing a second appeal, my friends Mr. SHADI LAL and Mr. MUHAMMAD SHAFI, who are among the prominent members of the Punjab Bar, have spoken with the weight of their personal knowledge and experience on the subject. I shall only quote from the opinion on the Bill of Mr. Rose who is one of the senior Divisional Judges in the Punjab :—'The judicial officer in the Punjab is drawn from more than one cadre, and he does not always get an opportunity of thoroughly qualifying himself in judicial work during the earlier part of his service.' To ensure that no real hardship is caused by the curtailment of the right of further appeal, I would respectfully urge on the Government the advisability of (1) appointing sufficient number of men to the subordinate judicial service from the legal profession and (2) that our Divisional Judges, whose decision as regards facts will now become final, have had sufficient legal training and judicial experience.

"As regards the enhancement of the court-fee on land suits from 5 to 10 times the annual land revenue, I have nothing to say against it. Everybody knows that there has been a considerable rise in the value of land during the past years, and there is no reason why the enhanced stamp duty on land suits should be grudged, while on unclassified and money suits court-fee is levied on their full market value. There is also another reason that justifies this enhancement. The land suits are more intricate and take up far more time of the courts than other suits.

"As to the increase in valuation of land suits for purposes of jurisdiction I beg to express my concurrence with the Hon'ble MIAN MUHAMMAD SHAFI, and submit that the increase to 60 times the annual rent asked by him in the Select Committee will be generally appreciated, as the land suits of actual higher value will then be triable by the courts of a higher status.

"With these observations I beg to support the Bill as amended."

The motion was put and agreed to.

Mr. Douie.

THE COLONIZATION OF GOVERNMENT LANDS (PUNJAB) BILL.

The Hon'ble Mr. DOUIE presented the report of the Select Committee on the Bill to make better provision for the Colonization and Administration of Government lands in the Punjab. He said:—"In presenting the report of the Select Committee on the Colony Bill, I do not propose to take up the time of the Council by repeating explanations contained in the report itself. But on three matters it may be as well that I should make a few remarks. These are the provisions regarding succession, resumption for breach of conditions, and offences. One of the most difficult matters with which the Committee had to deal was the suitability of the rules of succession. I think the Punjab peasant is beginning to show a certain impatience of the favour shown by customary law to the spear as against the spindle side. It is natural that this feeling should be specially strong in the case of property in a new colony. Section 21 (1) of the draft Bill, which regulated the succession where the tenant died before acquiring a right of occupancy, recognized this by allowing the succession of unmarried daughters, and by permitting the tenant failing male descendants, a widow, and unmarried daughters, to nominate certain specified relations in the female line. But section 21 (2) laid down that, if a tenant died after acquiring occupancy right, the tenancy should descend as if it were ancestral property, but that, where there was no heir entitled to succeed, the tenant should have the same power of nomination as a tenant who had not acquired a right of occupancy. It followed that the rights of the unmarried daughter disappeared when the tenant obtained a right of occupancy. Section 25 provided that, when a grantee died after acquiring ownership, the succession should vest in the person or persons who would have been entitled to succeed in the case of ancestral property in agricultural land.

"These provisions were subjected to a good deal of criticism. The Committee was of opinion that in cases where ownership had been acquired succession could best be left to the operation of the ordinary law, which will differ according as the property is self-acquired or has become ancestral. Accordingly all reference to succession has been struck out of section 31, which takes the place of section 25. The special case of the auction-purchaser who dies before he has paid all instalments of his purchase money has been met by the simple device of adding his tenancy to the list of excepted tenancies in schedule I. As regards other tenancies the Committee felt that the best distinction, and the one which recognized most fully the real difference which exists in the Punjab between acquired and ancestral property, was not between tenancies in which a right of occupancy had or had not been acquired, but between cases in which the tenant, whatever his status, was or was not the first holder. In the former case the provisions of clause 21 (1) as amended by the Committee in the present clause 20 will apply. In the latter case clause 24, which takes the place of clause 21 (2) in the draft Bill, provides that the tenancy shall descend like ancestral property, but that the *muris 'ala* will be considered to be the father of the original grantee. I hope that the Council will consider that this is a satisfactory and sensible solution of a difficult question.

"It is natural and proper that provisions which enable the Government to resume land for breach of conditions should be closely scrutinized. On the one hand the objects of colonization may easily be defeated if the State has not the power to resume its grant by executive order in the event of persistent breach of conditions. On the other, the grantee should be protected from any risk of hasty or inconsiderate action.

"The risk may be, and in fact is, very small, but when we are legislating there can be no objection to making provision against even a remote possibility. Moreover, the worst of defaulters may be left with a sense of injury if the incom-

Mr. Douie.

ing tenant obtains without payment possession of improvements which have cost the outgoing tenant money. I think it will be generally admitted that the amendments introduced by the Select Committee coupled with the fact that any order of the Collector under sections 25 to 27 may be the subject of an appeal to the Commissioner give the tenant all that is necessary for his security. I may add that section 12 provides that 'temporary absence' shall not be regarded as a breach of a condition of residence.

"The penal clause 27 in the draft Bill was a cumbrous one, and we have now divided it into clauses 34 and 35. According to the conditions applicable to tenancies all roads and distributary channels passing through holdings remain the property of Government. To prevent hardship in the case of *village* roads and water-courses we have inserted an explanation that a tenant or owner who cuts down trees planted by himself on such roads or on water-courses shall not be considered to have committed an offence under section 34. We have provided that prosecutions shall only be started on a complaint by the Collector. According to the original draft the Magistrate could both impose a fine and also confiscate crops illegally sown or recover the value of trees illegally felled. The Collector had the latter powers. According to the amended clause the Magistrate can only impose a fine, and the Collector can only levy compensation. But the Collector may, if he thinks fit, lodge a complaint even after exacting compensation. It will then be for the Magistrate to decide what, if any, penalty should be imposed.

"I think it may be claimed that the labours of the Select Committee have improved the Bill both in form and in substance."

PUNJAB TENANCY ACT, 1887 (AMENDMENT) BILL.

The Hon'ble Mr. DOUIE presented the report of the Select Committee on the Bill further to amend the Punjab Tenancy Act, 1887. He said:—"In presenting the report of the Select Committee on the Bill to amend the Punjab Tenancy Act I shall not trouble the Council with many remarks. Briefly the objects of the amendments introduced were in the first place to discourage any tendency to pervert the change in the law into a means of getting a case transferred for hearing to a revenue court by putting forward frivolous or irrelevant pleas, in the second place to ensure that the case when transferred is heard by a revenue court of sufficient authority, and in the third place to excise parts of the draft which were really surplusage. One member of the Select Committee has recorded his dissent from the principle of the Bill. He will have an opportunity of taking action in support of his view of the case when the Bill is considered at the next Council Meeting."

ADJOURNMENT.

The Council adjourned *sine die*.

LAHORE :

The 29th November 1911.

S. W. GRACEY,

Secretary, Legislative Council, Punjab.

PUNJAB GOVERNMENT.
LEGISLATIVE DEPARTMENT.

Abstract of Proceedings of the Council of the Lieutenant-Governor of the Punjab, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 to 1909.

The Council met in the Punjab Central Camp Coronation Durbar, Delhi, on Saturday, the 16th December 1911, at 4 P. M.

PRESENT:

His Honour Sir LOUIS WILLIAM DANE, G.C.I.E., C.S.I., I.C.S.,
Lieutenant-Governor, *Presiding*.

The Hon'ble Sirdar SUNDAR SINGH, MAJITHIA, Sardar Bahadur.

The Hon'ble Mr. JOHN CORNWALLIS GODLEY, M. A.

The Hon'ble Malik MUBARIZ KHAN, Tiwana.

The Hon'ble Mr. ALEXANDER HENDERSON DIACK, C.V.O., I.C.S.

The Hon'ble Mr. MICHAEL WILLIAM FENTON, C.S.I., I.C.S.

The Hon'ble Khan Sahib Sayad MAHDI SHAH.

The Hon'ble Mr. JAMES CURRIE.

The Hon'ble Khan Bahadur Seth ADAMJI MAMOOJI.

The Hon'ble Khan Bahadur Khawaja YUSAF SHAH.

The Hon'ble Mr. JAMES THOMAS FARRANT.

The Hon'ble Sir HENRY PARSALL BURT, Kt., C.I.E.

The Hon'ble Baba GURBAKSH SINGH, Bedi, C.I.E.

The Hon'ble Khawaja AHAD SHAH.

The Hon'ble Rai Bahadur HARI CHAND.

The Hon'ble Rai Bahadur SHADI LAL, Barrister-at-Law.

The Hon'ble Mr. ARTHUR MEREDITH, C.S.I., I.C.S.

The Hon'ble Nawab BAHRAM KHAN, Mazari, C.I.E.

The Hon'ble Khan Bahadur Mian MUHAMMAD SHAFI, Barrister-at-Law.

The Hon'ble Sir ARTHUR MILFORD KER, Kt., C.I.E., M.V.O.

The Hon'ble Mr. HENRY PHILLIPS TOLLINTON, I.C.S.

The Hon'ble Lala SULTAN SINGH.

The Hon'ble Lieutenant-Colonel CLEMENT GEORGE PARSONS.

The Hon'ble Mr. REGINALD ARTHUR MANT, I.C.S.

OATH OF OFFICE.

The Hon'ble Baba GURBAKSH SINGH, Bedi, before taking his seat, took the prescribed oath of his allegiance to the Crown.

TRIBUTE TO THE LATE HON'BLE SARDAR PARTAB SINGH.

His Honour the PRESIDENT said :—" It is with much regret that I refer to the great loss sustained by the Council through the death of Sardar Partab Singh. His personal qualities endeared him to all but his reputation did not rest on these alone. He was a stout champion of the interests of his order and was the moving spirit in forming the Punjab Chiefs Association of which he was Secretary. I hope that this useful institution may continue its valuable operations. At the same time the Sardar never trampled on the feelings or susceptibilities of others. The consideration in which he was held by his fellows was sufficiently evidenced by the fact that the non-official members of the Legislative Council elected him as their first representative on the Governor-General's Council. The opinion that Government held of him is clear from the honours conferred upon him. Had he lived, Sardar Partab Singh would have received the insignia of a K.C.S.I. from the hands of His Imperial Majesty. I move a resolution of condolence which will be conveyed to the family of the deceased member."

ADJOURNMENT.

The Council adjourned *sine die*.

DELHI :

The 16th December 1911. }

M. L. DARLING,

for Secretary, Legislative Council.