

PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL  
OF THE  
LIEUTENANT-GOVERNOR OF THE PUNJAB.

1912.  
(WITH INDEX.)



VOLUME III.

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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 Wednesday, the 13th March 1912, at 11 A.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 Mr. CLAUD ALEXANDER BARRON, 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 Khan Bahadur Seth ADAMJI MAMOOJI.

The Hon'ble Khan Bahadur Khawaja YUSAF SHAH.

The Hon'ble Mr. ARTHUR JAMES SCRATCHLEY, A.M.I.C.E.

The Hon'ble Mr. JAMES CURRIE.

The Hon'ble Sir HENRY PARSALL BURT, Kt., 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 Baba GURBAKISH SINGH, Bedi, C.I.E.

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 Mr. REGINALD ARTHUR MANT, I.C.S.

OATH OF OFFICE.

The Hon'ble Messrs. BARRON and SCRATCHLEY, before taking their seats took the prescribed oath of their allegiance to the Crown.



[ *Mr. Shadi Lal* ; *President* ; *Sayad Mahdi Shah* ; *Mr. Diack* . ]

### QUESTION PROCEDURE.

THE Hon'ble Mr. SHADI LAL said :—Your Honour, may I be allowed to make one suggestion ? As you are already probably aware, in the House of Commons the practice is simply to mention the numbers of the questions and not read the questions and that practice has been observed by the Imperial Council also. I would suggest that it be adopted here.

HIS Honour the PRESIDENT :—We have frequently done so at this Council. It will ordinarily be sufficient if Members will put questions by mentioning the numbers. It saves time.

### QUESTIONS AND ANSWERS.

THE Hon'ble Khan Sahib Sayad MAHDI SHAH asked —

- " (1) What is Government doing to help the agriculturists to breed plough cattle for their own requirements ?
- " (2) Is it correct that the Punjab Government has decided to charge zamindars fees for inoculation of cattle ; if so, are the people willing to accept inoculation on these terms ?
- " (3) Does the Punjab Government consider that one veterinary hospital in each tahsil is sufficient ; if not, will the Government consider the desirability of increasing them ?
- " (4) How many gazetted officers of the Civil Veterinary Department are working in the Punjab ? Is their number considered to be sufficient ; if so, what is the number of the subordinate staff whose work they have to supervise ?

THE Hon'ble Mr. DIACK replied :—

- " (1) A year ago a circular was issued by the Director of Agriculture to Commissioners and District Officers on this subject and the subject of cattle-breeding generally with a view to the matter being brought prominently before the district boards by whom it is considered that the supply and management of bulls can, with the advice and assistance of the Veterinary Department, be most efficiently controlled. It has always been the policy of district boards to provide a certain number of public bulls, and in 1906 a special grant to the board of one lakh *per annum* for five years was sanctioned by the Punjab Government, and the grant was renewed for another five years in 1911. The improvement of the breed of cattle has been given the first place in the programme for the utilization of the grant. It is regretted that it is not the custom for private owners generally to keep stud bulls as a profit-making arrangement as they do stud buffaloes. Were this done, the breed of plough cattle would no doubt show the same good results as have appeared in the case of buffaloes. The practice of allowing a Government or sacred bull to wander freely with the herds has not been found to give equally good results.
- " (2) It is correct that to cover part of the cost of the serum for which the Government of India make a charge the Punjab Government now charges zamindars fees for the inoculation of cattle. The fee is three annas per animal in the plains and six annas in the hills. The general feeling at present appears to be against paying for inoculation, but the amount of epidemic disease that has occurred since the fee has been imposed has scarcely been sufficient to afford a test and experience in other directions, *e.g.*, quinine, rather indicates that remedies for which payment is made are more valued than those obtained free of cost.

[ *Mr. Diack; Mr. Hari Chand; Mr. Barron.* ]

"(3) One Veterinary Hospital in each tahsil is considered sufficient for the present.

"(4) Apart from the Principal of the Veterinary College there are three gazetted officers of the Civil Veterinary Department working under the Local Government one of whom is shared with the Frontier Province. The Local Government has addressed the Government of India as to the desirability of increasing the number of Superintendents; and it is hoped that the representation may be successful.

"The sanctioned subordinate staff consists of 15 Inspectors and 169 Veterinary Assistants. There are at present seven vacancies in the latter grade."

The Hon'ble Rai Bahadur HARI CHAND asked :—

"(1) Has the attention of Government been drawn to paragraph 4 of Financial Commissioner's Standing Order No. 11, which classifies the persons who may be accepted on his Register A for the post of Extra Assistant Commissioner and lays down that in the case of Indian Head Clerks of Divisional and District Offices no candidate will be accepted unless he has served for one year at least as Tahsildar or has had some years of approved service as Naib Tahsildar ?

"(2) As under the operation of the same rule an Excise Inspector whose minimum salary is Rs. 100 and an ordinary clerk in the office of Conservator of Forests, Director of Land Records, Inspector-General of Registration, Director of Agriculture, Registrar of Co-operative Credit Societies, and Meteorological Reporter to the Government of the Punjab, no matter what his pay or qualifications may be, is eligible for acceptance as a direct candidate for the post of Extra Assistant Commissioner, will the Government consider the desirability of revising the rule requiring an Indian Head Clerk of a Deputy Commissioner's office, whose minimum pay is Rs. 175 per mensem, to first qualify himself by seeking a nomination for Tahsildarship and then serving as a Tahsildar in the lowest grade of Rs. 150 per mensem for at least one year before he can be considered eligible for the post of Extra Assistant Commissioner, thus unduly retarding his chance of promotion ?

"(3) In view of the above fact and also because the above rule makes a distinction between Indian and European Head Clerks of Deputy Commissioners' offices, will the Government be pleased to ask the Financial Commissioner to modify this rule so as to make it apply equally to all Head Clerks, whether Indian or European ?"

The Hon'ble Mr. BARRON replied :—"1. European Head Clerks who are statutory natives of India are recruited chiefly for employment in Treasuries and on general duty. No officer of this class has so far been employed as a Revenue Assistant, or is likely to be in the future. It is not necessary, therefore, even if it were possible, to require them to undergo a preliminary training by working as Tahsildars.

"2. It is otherwise with Head Clerks who are not Europeans. They are not required for Treasury work or for the other special duties for which it has been found necessary to recruit a very limited number of such Europeans in the Provincial service. They have been employed principally on clerical duties, and it is necessary therefore that the Financial Commissioners should be satisfied as to their qualifications for the ordinary revenue and

[ Mr. Barron ; Mr. Hari Chand ; Mr. Tollinton ; Mr. Godley. ]

executive work which it falls to Extra Assistant Commissioners on the executive side to discharge, and for this purpose a period of probation in the ranks of the Tahsildars is considered absolutely necessary.

" 3. It is true that as the rule at present stands candidates recommended by outside authorities may be accepted by the Financial Commissioners and that such candidates are not required to undergo a period of probation as Tahsildars. But Government has at present under consideration the question whether it is necessary for the Financial Commissioners to retain a power of accepting candidates recommended by Heads of other Departments seeing that Government itself accepts candidates so recommended.

" 4. Inspectors of Excise having had experience in a very important branch of the Revenue administration and having at present often served as Naib Tahsildars in districts and settlements need not, in the opinion of Government, be required to work as Tahsildars before being accepted as Extra Assistant Commissioners, nor need such an obligation be imposed on other officials of the Revenue Department who have qualified by executive and administrative as distinguished from purely clerical work. Accordingly the answer to the Hon'ble Member's first question is in the affirmative and to the second and third questions in the negative."

The Hon'ble Rai Bahadur HARI CHAND asked :—" Has the attention of the Government been drawn to the article in the *Tribune*, dated 13th February 1912, headed 'Dacoities in the Punjab ?' Will the Government be pleased to state what steps it proposes to take for the suppression of these dacoities ? "

The Hon'ble Mr. TOLLINTON replied :—" The attention of Government was drawn to the article in question when it appeared, and further particulars of this outbreak of serious crime have been called for. The recrudescence of crime of this sort is engaging the serious attention of Government. In the meantime two strong punitive police posts have been located on two groups of villages in Rawalpindi and Attock which are known to harbour these dacoits. Mounted constables will be employed, and increased if necessary. Their efficacy in dealing with gangs of dacoits has been proved on previous occasions. It is proposed to put a gazetted officer on special duty to deal with these gangs."

The Hon'ble Rai Bahadur HARI CHAND asked :—

" (a) In reply to my question at the Meeting of this Council held on the 13th September last, it was stated that the Committee nominated by Government to enquire into the question of industrial instruction would meet at Lahore, and that the members thereof would subsequently visit some of the industrial centres with a view to making local enquiries. Will the Government be pleased to state what action the Committee has taken in the matter, and whether the members have visited any of the industrial centres in furtherance of such enquiry ?

" (b) In view of the fact that Multan has for a long time been an important centre of industry, such as art-pottery, carpet-making, silver enamel works, silk weaving, soap and oils, etc., will the Government be pleased to suggest to the Committee to include Multan in its programme of itinerary ? "

The Hon'ble Mr. GODLEY replied :—" The Committee nominated by Government to enquire into the question of industrial instruction met at Lahore in October last, and subsequently some of the members visited industrial centres especially those where industrial schools already exist. A report has been prepared which will shortly be submitted to Government. The Committee had included Multan among the places to be visited, but their programme had subsequently to be curtailed for lack of time. I may explain that as all the members of this Committee had their own avocations to attend to, the greatest

[ *Mr. Godley ; Mr. Hari Chand ; Mr. Barron ; Mr. Shadi Lal .* ]

difficulty has been experienced in arranging dates of meeting which would not interfere with other engagements, and hence there has been unavoidable delay in formulating recommendations."

The Hon'ble Rai Bahadur HARI CHAND asked :—" It was stated last year that a scheme was under consideration by the Chief Court for the appointment of District and Sessions Judges. Will the Government be pleased to state what progress has been made in respect of the scheme ?"

The Hon'ble Mr. BARRON replied :—" The proposals of the Hon'ble Judges of the Chief Court were forwarded with the views of this Government to the Government of India, who have approved of their main principle, namely, the replacement of the eight existing District Judgeships by six new posts of Divisional Judge, and the change of the designation of the latter to ' District and Sessions Judge.' The Chief Court is now considering the financial effect of the scheme, which will require, along with the main proposals, the sanction of His Majesty's Secretary of State for India."

The Hon'ble Rai Bahadur HARI CHAND asked :—" It was recently stated in the newspapers that three lakhs-and-a-half out of the Imperial grant of fifty lakhs for education announced at the Coronation Darbar have been allotted for the Punjab. Will the Government be pleased to state how it is proposed to spend the money ?"

The Hon'ble Mr. SHADI LAL asked :—

" (1) Will the Government be pleased to state—

(a) whether it is a fact that out of the grant of fifty lakhs in aid of education, this Province has been allotted only three-and-a-half lakhs ?

(b) whether, having regard to the special educational needs of this Province and the inadequacy of the amount allotted to it, the Government will make a representation for an increased grant in future years ?

(2) In view of the fact that the grant is a recurring one, will the Government consider the desirability of having a definite scheme for distributing the grant under the different heads of educational expenditure ?"

The Hon'ble Mr. GODLEY replied to the Hon'ble Rai Bahadur HARI CHAND's and the above questions as follows :—" The share allotted to the Punjab out of the special grant from Imperial revenues for educational purposes is 3½ lakhs. The distribution of the grant among Provinces is stated to be based on the population, the number of pupils, and the expenditure from public funds on education in each case. The particular objects on which the money is to be spent have been defined by the Government of India, and detailed information will be found in Sir HARCOURT BUTLER's reply to Mr. GOKHALE at the meeting of the Supreme Legislative Council held on the 1st March. The approximate proportion to be spent under each head has also been indicated : in round numbers, two lakhs are assigned to the Punjab for the elementary education of boys, half a lakh for hostels, Rs. 40,000 for the education of girls, and the remainder for technical and industrial education and the education of Europeans and Anglo-Indians.

" The Government of India will be addressed on the subject of increasing this grant in future years with reference to the particular needs of the Punjab. A scheme was worked out and submitted to the Government of India a short time ago for a large extension of elementary education in the Province during the succeeding five years, including proportionate additions to the training institutions and the inspecting staff ; and it will be impossible to carry out this scheme without considerable annual additions to the recurring grant already

[ *Mr. Godley ; Mr. Mant.* ]

made. The bulk of the grant, as has been stated, is to be devoted to elementary education and will go to supplement the resources of the local bodies, together with such portion of the assignment for hostels, the education of girls, and industrial education, as can be advantageously expended by local agency."

#### REVISED FINANCIAL STATEMENT FOR 1912-13.

THE Hon'ble MR. MANT, in presenting the Revised Financial Statement\* for 1912-13, made the following explanatory remarks:—"It is again my good fortune to present to the Council a prosperity Budget. Although the estimates under some heads are very moderate, the revenue expected in the coming year is higher than we have ever received or budgetted for in any previous year. Expenditure is consequently provided for on a generous scale. In fact, I shall not be surprised if the Expenditure Budget meets with criticism. Seeing that we expect to realize an abnormally high revenue, Members may reasonably ask why should we Budget for a deficit of over 29 lakhs ?

"2. I hope that the facts stated in my printed memorandum furnish a sufficient answer to this criticism, and I need now only invite the attention of the Council to three points. The first is that the Provincial finances have only just emerged from a long period of depression. The Public Works Budget has been starved for many years, and it has consequently been impossible to meet the requirements of many public departments in the matter of buildings. To take one instance, the Police are in many cases provided with very inadequate accommodation, and considerable expenditure is annually incurred in hiring quarters for officers and men. Practically all Departments have arrears to work off, and our first duty, on entering on a period of comparative prosperity, is to make up some of the leeway of the lean years, and to bring up the public works and buildings to a standard suitable to the general development of the province. Financial exigencies have also prevented the province from keeping pace with the growing demands for a higher standard of sanitation and education. Thanks to the grants made by the Government of India, the Budget for next year provides for special expenditure on both these objects.

"3. The second point is that we can count on large receipts for some years to come from sales of land in the canal colonies; so a deficit at the present time need give no cause for apprehension. Last year I laid stress on the danger of contracting permanent obligations on the strength of these receipts, and I have again drawn attention to the point in this year's memorandum. But the outlay of these funds on bridges and other works of public utility seems hardly open to objection, and, in so far as the construction of buildings will bring in rents or will extinguish annual payments, the expenditure may be regarded as remunerative.

"4. My third point is that a considerable portion of our present balance is earmarked for special purposes. When the Government of India have a surplus for distribution among the provinces, we get our grants at the end of the financial year, and, as they cannot be expended till the next year, the expenditure inevitably tends to produce a deficit in the Provincial Budget. Thus our balance has just been raised by special grants aggregating upwards of 16 lakhs. Moreover, we have not yet fully utilized the special grants made by the Government of India last year, and we have not paid the whole of the contribution promised for the Simla Improvement Scheme. We are therefore committed to the expenditure of about 35½ lakhs out of our balance on certain specific objects. In the coming year we propose to reduce these obligations by 24 lakhs. We are thus, from the banking point of view, simply drawing on our balance to pay off our debts, and at the close of the year our free or unhypothecated balance should be increased by about 4½ lakhs.

\* See Appendices I and II.

[ Mr. Mant. ]

"5. As regards budget procedure, a change has been tried this year which may have far-reaching consequences. It has more than once been suggested in this Council that the Finance Committee might with advantage be associated with the preparation of the Budget at an earlier stage. Under the present rules the Committee has nothing to do with the Budget until the first edition has been prepared in the form of a Draft Financial Statement. This statement shows under a head termed 'Unallotted' the amount available for new schemes, and the functions of the Committee are confined to advising how this unallotted sum should be distributed.

"The Committee is also supplied with a memorandum showing how the Local Government provisionally proposes to allot the money. The Committee is of course at liberty to put forward alternative proposals, but it has, I think, been felt by some Members that their hands are rather tied by this procedure.

"6. This year we instructed Heads of Departments to prepare their Expenditure Budgets in two parts. The first part, which was sent to Government as usual through the Accountant-General, dealt only with permanently sanctioned charges. All proposals for new expenditure were tabulated in separate schedules, which were laid before the Finance Committee at a preliminary and informal meeting in November, before the Financial Statement was drafted. The Committee was thus able to scrutinize the proposals of Heads of Departments before they had been accepted by Government and before the total amount to be expended had been decided upon.

"7. I don't say that this procedure has resulted in any important modification in the figures now submitted to the Council. The Committee was content to leave the majority of the proposals to be examined in the Secretariat in the ordinary way. But it was of distinct advantage to Government to obtain the views of the non-official Members on some of the more doubtful proposals at this stage, and it was perhaps of still greater advantage that those Members should see the Budget in the making and learn something of the difficulty of making the two ends meet. At any rate the proceedings of the Committee have been marked by a spirit of cordial co-operation, and a feeling that we are all co-adjutors working for the common good of the province. Some testimony to this co-operation is perhaps afforded by the fact that no resolutions are to be moved to-day.

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

"9. I have also to introduce the consideration of certain heads of which I am Member in charge. Only two of these heads call for special remarks. Under 29—*Superannuation Allowances and Pensions* the standard figure of expenditure adopted for the purposes of the Provincial Settlement in 1904-05 was Rs. 13,72,000. By 1910-11 the actual expenditure had risen to Rs. 17,57,000. The Revised Estimate for 1911-12 anticipates an expenditure of Rs. 18,72,000, and in 1912-13 we expect to disburse Rs. 19,81,000 under this head. This increase of 44 per cent. in 8 years is a very serious matter. As explained in my memorandum, a part of the increase is due to the growth of pensions earned in various Imperial Departments. For instance, the cost of pensions earned in the Post Office and Telegraphs, the Survey and Salt Departments, and the large establishments employed on the construction of canals is borne by the province in which the pensions are disbursed. We cannot, I am afraid, alter this. It is one of the terms of our Financial Settlement, and may be regarded as a part of the price that we have to pay for our financial independence or, I should say, partial independence.

"10. Even in the case of Provincial establishments over which we have more direct control, the expansion of pensionary charges is practically automatic, as it depends on the salaries drawn in the last few years before retirement and these salaries are continually growing. We have recently reduced a number of

[ *Mr. Mant.* ]

menial appointments to a non-pensionable status, but the charges in respect of these appointments are insignificant in comparison with the cost of the superior pensionable establishments. The reduction of the latter presents a much more difficult problem. The ordinary babu has no inducement to reduce work ; it is rather to his interests to increase it, as he generally has a needy relation for whom he wants to find a job. Thus the strength of an office grows, and the clerks at the head of it ask for higher pay on the ground that they have more men to supervise, and that a better grading is required to give the lower ranks a reasonable prospect of promotion. The ultimate result is a crop of higher pensions.

" 11. Now it is not easy to alter a system of making work, at which the babu is such an adept ; but the financial results are getting so serious that Government will have to make a stand against it sooner or later. Type-writers and other time-saving apparatus ought to reduce clerical labour, and as we are continually having to pay higher salaries, it would be only reasonable to insist on a higher standard of efficiency. Something might perhaps be done by appointing men on probation to a far greater extent and for longer periods than is done at present, so that the inefficient might be weeded out before they have gained a title to pension. Another expedient would be to insist that applications for increase of salaries must generally be accompanied by proposals for reduction in numbers. This would be a wide departure from present traditions, but in some cases it might prove effective.

" 12. Under 32—*Miscellaneous* the Budget provides for two special items. Rupees 60,000 have been allotted for improving the pay of clerks on Rs. 30 a month or less, in pursuance of a scheme which will eventually cost Rs. 80,000 a year. The necessity of affording some relief to clerks on very low pay, who have suffered perhaps more than any other class of Government servants from the recent rise in prices, has long been recognized ; but it has taken some time to work out a scheme that would be financially practicable, and proposals are only just being submitted for the sanction of higher authority.

" 13. The other special item is a provision of Rs. 50,000 for unforeseen charges. It is often necessary to meet urgent demands for which no budget provision has been made, but under account rules such expenditure can only be sanctioned if it can be met by re-appropriation from some other head under which the Budget provision is in excess of probable requirements. Now, as the Expenditure Budget is framed, with the greatest care, on the basis of probable requirements, it is generally impossible to say with certainty in the earlier part of the year that savings will accrue under any particular head. The sum of Rs. 50,000 has therefore been provided as a reserve for re-appropriation. Details of any re-appropriations that may be made from it will be made available if Members wish to see them.

" 14. I now 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."*

[ Mr. Diack. ]

The Hon'ble Mr. DIACK :—"Of the minor heads into which the main head Land Revenue is divided, the first, ordinary revenue, is much the most considerable. The Budget for 1911-12 for this item was 281 lakhs, which in the Revised Estimate has been reduced to 277 lakhs. The chief reason for the decrease has been the failure of the monsoon which led to the failure of the kharif crops on unirrigated land. Fortunately the first estimate of the suspensions required proved too high, thanks to good rain at the end of September, but it has been found necessary to suspend 16 lakhs of rupees. Other items bring up the decrease to Rs. 17,26,900, but this is largely counterbalanced by an increase in fluctuating land revenue of Rs. 13,45,000, due to the introduction of the new assessments in the Lyallpur district and wider rabi sowings in canal tracts; so that the net estimated decrease is Rs. 3,82,000. For next year the prospects are at present much better. There is a fine rabi crop on the ground, and it should be possible not only to collect the whole of the fixed demand for this harvest in full, but to see the collections of fluctuating land revenue well above normal. Further, it is hoped to recover with the rabi instalment a great part of the suspensions sanctioned for this kharif. To be on the safe side, however, the collection of arrears has been estimated at 11 lakhs only. The introduction of new assessments will give an increase of 4 lakhs, and with a normal kharif better collection of the ordinary demand should give 13½ lakhs more. Fluctuating land revenue should show a rise of 9½ lakhs owing to the introduction of new assessments in the Lower Chenab and Lower Jhelum Canal colonies.

"The part of the Budget relating to the sale of Government estates is much more difficult to frame. The peasants in the Chenab Colony were, until recently, for some reason or other, reluctant to purchase proprietary rights, in spite of the obvious advantages to them. But receipts at the end of the year have been larger and the Revised Estimate is not much less than the Budget Estimate for 1911-12. In view of this the estimate for next year of Rs. 32,80,000 may be considered a cautious one.

"Under the other minor heads the changes are unimportant. The apparent drop under 'Sale-proceeds of waste land including nazrana' is due to a change of classification, as sale-proceeds of town sites are now credited to another head (XXV—Miscellaneous—Imperial). Under head 'Miscellaneous' the revenue on village sites (kiraya tah zamini) has now disappeared from the accounts.

"The total sum to be divided between the Imperial and Provincial Governments in the Revised Estimate for 1911-12 is Rs. 3,38,48,000. From this a deduction of Rs. 57,36,000 has to be made of the amount of land revenue due to irrigation. This was largely under-estimated in the budget, because the introduction of the increased assessments on the Lower Chenab and Western Jumna Canals in the current year was not taken account of. The balance is shared equally between the Imperial and Provincial Governments, and the share of the Local Government is raised to Rs. 1,77,50,000 by assignments from the Government of India, which are adjusted under the head of land revenue and will be found in Appendix A to the Finance Member's memorandum. For next year a similar calculation gives Rs. 1,68,60,000 as the Provincial share.

"As regards expenditure under 3—Land Revenue, the figures under 'Charges of District Administration', 'Land Records and Agriculture', and 'Allowances to Village Officers' are normal, but there is an increase of Rs. 1,68,000 under 'Survey and Settlement'. This is partly because the number of districts under settlement is temporarily in excess of what the Provincial programme contemplates, and partly, because, in addition to the ordinary settlement programme, the revision of the record has been started in two districts in advance of settlement. If the



[ *Mr. Diack ; Mr. Fenton.* ]

experiment proves a success in these two districts, it is hoped that its general adoption will lead to a curtailment of the cost and duration of settlement operations throughout the Province."

The Hon'ble Mr. FENTON :—"The subject of excise is not one in which it can be expected that this Council will take a lively interest and my remarks will therefore be brief, the more so because the Hon'ble Mr. MANT has in his financial statement anticipated most of what it is possible to say in connection with the financial aspect of the case. I trust that there will be no failure to realise the difficulties of a departmental administration which, as Mr. MANT puts it, has to steer between the Scylla of increased consumption and the Charybdis of illicit distillation. It may be thought that with a rise in the total estimated receipts of the current year from 57 lakhs realised in 1910-11 to 63 lakhs as now estimated the Scylla of increased consumption has become too much in evidence; but I find from a scrutiny of the figures that although there has been some increase in consumption, as evidenced by the still-head duty paid on the removal of liquor from the distilleries, the greater part of the increase in the excise revenue from liquors is due to the higher prices bid at the auction sales of retail licenses. It may seem to many of us rash and foolish on the part of these liquor vendors to be carried away in the excitement of auctions into making speculative bids, apparently excessive with reference to the probable profits. But when one of our excise officers remonstrated with a crowd of eager bidders who, he thought, were in a fair way to ruin themselves, he was met with the curt rejoinder that they ought to know their own business best. Well, I think that these people do know what they are about, and we have no evidence that they are ruining themselves for the sake of the Government revenue. The explanation which one of our Commissioners gives in his comments on the results of recent auction sales is summed up in the words :—'Watering and short measure.' I do not wish to indulge in any arraignment of a whole class of traders, but I have recently had evidence of the existence of certain tricks of the trade in the matter of bottling, and there is a certain significance in a petition submitted to me by the liquor vendors of the Ferozepore district asking that there should be no interference or regulation by Government of the size and capacity of the measures used in retail transactions. The truth of the matter seems to be that a not inconsiderable proportion of the profits of retail vendors is derived from the sale of bottles and of water. How far it is necessary or expedient for the State to look after the interests of the customers of the liquor shops in these matters, and how far we should leave it to the consumers themselves to insist on undiluted liquor and full measure, are moot points about which there is room for difference of opinion. The temperance advocate may see no objection to water being sold as an intoxicant. On the other hand, if things come to such a pass that pure liquor is obtainable from the illicit still only the result may be just the opposite to that which the temperance advocate seeks to achieve.

"Until the annual district reports are received it is not possible to hazard an opinion as to how the illicit still is faring, but it would be unreasonable to suppose that the creation of a large preventive staff, yearly improving in training and efficiency, has had no effect in curtailing the supply of illicit spirits. I believe I am fully warranted in attributing much of the increase in the licit consumption that has occurred to the existence of this preventive establishment. The increase in the total excise income is not entirely due to liquors. The import duty on *charas* has been raised; the poppy acreage duty has been enhanced; and the import fees levied on Hill States opium have been correspondingly raised. All these causes have contributed to the excess of the revised estimate over last year's actuals and the current year's budget.

"For next year the budget estimate has been put at half a lakh more than the revised. This may err on the side of the caution, but we have had

[ Mr. Fenton ; Mr. Barron ; Mr. Tollinton. ]

experience in the past of a notable set-back in the growth of excise income, and it is as well to be on the safe side and to budget for only a small increase over the high figures of the current year."

The Hon'ble Mr. BARRON :—" The subject of General Administration as depicted in the Budget under head No. 18 does not call for many remarks as a rule. It includes, however, this year an unusual item of much interest and importance—namely, the Provincial expenditure on the Cronoation Darbar. At the time when the Budget for 1911-12 was drawn up the scale upon which the celebrations were to take place was not definitely known. A sum of Rs. 80,000 was therefore tentatively provided. This turned out to be, however, only one-third of the amount actually required to meet the occasion in the manner prescribed by the Government of India for the large provinces of India. In the Revised Budget a sum of Rs. 2,15,000 has been provided for the Central, Provincial, and Political Officers' camps. The unfortunate conflagration in the Lieutenant-Governor's camp on the day after all had been prepared for the reception of the guests added another Rs. 10,000 to this expenditure for the immediate restoration of the camp. Two further items of Rs. 12,000 for the illumination of public buildings and for the distribution of nickel medals to school children, and of Rs. 3,000 for the bonus of half a month's salary to Government servants drawing Rs. 50 per mensem or less, have raised the total provision for expenditure connected with Royal Visit to Rs. 2,40,000.

" Against this increase there have been minor 'savings and adjustments' under the other sub-heads included in 'General Administration'. These reduce the original Budget Estimate by Rs. 28,000. The net increase in the Revised Budget is therefore Rs. 1,32,000.

" The Budget Estimate for 1912-13 has been framed on normal lines and contains only one exceptional item. A special provision of Rs. 50,000 has been made under the head 'Staff and Household expenses of the Lieutenant-Governor' for the replacement of the tents, carpets and furniture destroyed in the disastrous fire at Delhi. But for the loss due to this misfortune, the Budget Estimate for 1912-13 would have shown a decrease of Rs. 2,31,000 on the Revised Estimate for 1911-12, and a decrease of Rs. 14,000 on the actual expenditure in 1910-11."

The Hon'ble Mr. TOLLINTON :—" In connection with *VI—Provincial Rates and 2—Assignments and Compensations*, I have no remarks to make.

" *IX—Forests.*—Increase of Rs. 1,74,000 in the Revised Estimate is satisfactory. The attention of Government has been specially directed to revenues during the past year. Productive works have been undertaken in Kulu, Lahore and Jhelum. A special Resin Division is to be created.

" *11—Forests.*—There is a small increase in the Budget over the Revised Estimate due to Provincial Service Officers drawing higher pay under the re-organisation scheme of 1911-12 throughout the year instead of for a portion of the year only.

" *X and 12—Registration.*—There is a small increase on both sides of the Budget, due to increase in fees for registering documents and rise in the pay of Registrars' muharrirs.

" *XVIA—Law and Justice—Courts of Law.*—There is a small increase in the Revised Estimates, which is repeated in the Budget, due to increased fines and forfeitures, but it is necessarily a fluctuating item.

" *19 A—Law and Justice—Courts of Law.*—There is an increase of Rs. 73,000 in the Revised Estimates, due to the Royal Bonus and leave arrangements. There is an increase of Rs. 78,000 in the Budget over the Revised Estimates, due to the District and Sessions Judges' Scheme, to increase in pay of members of the Punjab Commission and increase in the pay of the Assistant Legal Remembrancer.

[ Mr. Tollinton; Mr. Godley. ]

"*XVI B—Law and Justice—Jails.*—Increase of Rs. 71,000 in the Revised Estimates over the sanctioned Budget is due to increased receipts from jail factories, specially to tents used at Delhi.

"*19 B—Law and Justice—Jails.*—The Revised Estimate shows an increase of Rs. 49,000 over the sanctioned Budget, partly due to the Royal Bonus and purchase of raw materials and other expenditure on factories. Budget shows increase on account of conversion of District Jail, Lahore, to a Central Jail.

"*XVII—Police.*—Rupees 4,13,000 have been deducted from the Revised Estimate on account of the cessation of municipal contributions for municipal police which have been provincialised. Contributions on account of Punitive Police are expected to rise by Rs. 20,000. Budget for the next year is based on normal averages.

"*20—Police.*—Revised Estimates show a decrease of Rs. 4,08,000 on the sanctioned Budget. A sum of Rs. 5,22,000 has been omitted from the Revised Estimate, which was added to the sanctioned Budget for budget purposes on account of the cost of municipal police. Against this, the Royal Bonus necessitated an additional item of Rs. 1,12,000. Budget shows an increase of Rs. 91,000 over the Revised Estimates. This is mainly due to this Province taking over the Railway Police in Delhi and the neighbourhood and anticipated normal increase under Police Commission Scheme.

"*XX—Medical.*—I have no remarks to make.

"*24—Medical.*—Revised Estimate shows a decrease of Rs. 2,02,000 on sanctioned Budget, due to—

- (1) transfer of 1 lakh for reclamation and drainage of Amritsar Dhabs to 45—*Civil Works*;
- (2) Government of India paying for enteric ward in Simla;
- (3) expenditure on the Ripon Hospital at Simla having been postponed till 1912-13.

"Meanwhile Budget shows an increase of Rs. 9,27,000 over the sanctioned Budget. One lakh will go to Research Institute, *viz.*, 6 lakhs this year as against 5 lakhs in the last year. Government of India have also made a special assignment of Rs. 6,17,000 for sanitation. The Sanitary Board is being consulted and asked for a very early report as to the best way of spending this, so as to allow of no lapses. As a matter of fact we have now an up-to-date programme of sanitary works awaiting the provision of funds. I may mention as a work of great importance the Lahore Water Borne Sewage Scheme. The Government recently sent a programme of works to the Sanitary Conference at Bombay, costing Rs. 51,00,000, and it should not be difficult for the Sanitary Board to make a rapid selection of the most pressing works."

The Hon'ble MR. GODLEY :—"The sanctioned budget estimate for the current year included a provision of four lakhs out of the Imperial grant of nine lakhs for educational buildings. Of this amount over two lakhs have been expended up to date, and the remainder will be available for expenditure during 1912-13. The works for which funds were assigned from the grant during the year were the construction of new workshops for the Mayo School of Art, buildings for the Queen Mary's College, Lahore, additions to the Central Training College and the Rawalpindi Normal School, additions to the Government High School buildings at Amritsar, Rawalpindi, Muzaffargarh, Rohtak, and Karnal, and a building at Chorutta, besides grants to the Mission School, Lahore, and three schools for Europeans. Building and furniture grants have been paid to sixteen other institutions from the provincial allotment for the purpose. New High School buildings are in course of erection by the Public Works Department at Jullundur, Campbellpur and Dharamsala, and a consider-

[ Mr. Godley. ]

able sum has been spent on minor works in connection with educational buildings throughout the province. Applications have been invited from district boards for grants to be expended on the buildings of vernacular schools for which a sum of Rs. 1,50,000 has been set aside from the Imperial grant. Among the projects to be shortly undertaken are new Physics and Biology laboratories for the Government College, a new Normal School at Gurdáspur, and new High School buildings at Siálkot, Montgomery, Gujrat, Gujranwála and elsewhere. Plans are also being prepared for new buildings at the Lawrence School, Murree, which is rapidly developing under its present Principal, and bids fair to become shortly one of the leading schools for European boys in India. It will be seen, therefore, that a period of building activity has begun which may be hoped to result in great benefit to the schools and colleges of the province.

"Turning to the figures of the Budget Estimate for 1912-13, I may explain that the increase under Government Colleges is partly due to provision being made for a new Professorship and for astronomical apparatus. Under Government Schools—General—Rs. 80,000 have been added to the grant to district boards for primary schools, so as to enable them to raise the salaries of teachers. Special provision has also been made for school furniture and apparatus. Under Grants-in-aid, Rs. 2,00,000 have been added out of the balance of the Imperial grant for school buildings. There is little variation under other heads. The provision of Rs. 45,000 for new schemes represents the initial cost of introducing improved scales of pay for the Provincial and Subordinate Educational Services. It is not known when the Government of India will accord sanction to either of these schemes, the former of which was originally submitted in 1908, and subsequently, in a revised form, in 1910, but there can be no doubt that re-organisation and improvement of terms are urgently needed in both cases, and it is hoped that sanction will not be indefinitely delayed. The remaining provision of Rs. 1,75,000 represents the first instalment of the Punjab share of the Darbar grant for education. Information has been received that more will be forthcoming when required, and it is possible that the bulk of the total grant of 3½ lakhs will be expended during the year. The Government of India have fixed the proportions in which this grant is to be spent, and the objects to which it is to be devoted. It will render possible a very marked advance in the extension of elementary education, which for the past few years has been hampered by want of funds, and it will also permit subsidies to be given for the equipment of industrial schools and for other educational objects. Taken as a whole, the budget provision for 1912-13 may, I think, be expected to usher in a new era of educational development.

"While a considerable addition to the number of elementary schools is much to be desired, it should not be overlooked that little benefit will result from a mere numerical increase, unless competent teachers are obtainable. If the opening of a school simply means paying less than the wages of an unskilled labourer to a youth who can neither teach nor maintain discipline, — if the lower ranks of the teaching profession become the resort of the incompetent and the unemployable, — parents will in that case cease to send their children to school, education will be ill-spoken of, and eventually schools will be closed for lack of attendance. This has happened during recent years in not a few instances. And even if such schools maintain a precarious existence, the material benefit to the pupils is doubtful. In a recent Resolution on education in the Central Provinces it is stated that any undue haste in the quest of quantity at the sacrifice of quality is much to be deprecated. 'The mere multiplication of ill-taught pupils in inferior village schools, of whom the great majority lapse into illiterary, may be gratifying to those who judge by statistics and percentages, but has little or no effect in improving the general well-being of the masses.' These remarks apply with equal force to the Punjab, and I do not suppose that any one who has seen the ill-effects of

[ *Mr. Godley ; Mr. Scratchley.* ]

trying to open a number of schools in a hurry would deny that the supply of teachers should be the first consideration. It may be found possible to employ competent local men who have not passed through a training school, but Normal Schools and training classes must be the chief source of supply. In order to widen the field of recruitment, grants have been promised for training classes attached to Middle Schools, in which teachers may receive at least six months' training, and it is hoped that local bodies and school managers will take advantage of the offer. The courses of study in training institutions have been entirely recast with a view to simplicity, the rates of stipends have been raised, and the salaries of teachers increased. The Central Training College and the Normal schools are now, it is believed, better attended than in any former period of their history, so that the problem of finding teachers to staff the new schools need not cause despondency.

"It will be observed that there has been a steady rise in the receipts from fees in Government institutions during the past few years, owing to an increase in the number of pupils and also to enhanced rates of fees. The latter measure, which only concerns institutions maintained or aided from public funds in which English is taught, was introduced after careful enquiry and with the approval of the managers of the aided schools concerned, and it is not known to have affected the attendance in these schools. A similar step has been found necessary in other provinces; it virtually amounts to asking the parent to pay a proportionate share of the increasing cost of secondary education, and as such cannot fairly be regarded as a hardship. There has not, however, been enhancement in every case. Parents in receipt of income from Rs. 100 to Rs. 150 per month, who formerly paid double rates of fees, are now charged the ordinary rates, and the proportion of concessions has been increased. In Colleges maintained or aided from public funds a comparatively small increase in the fee rate has been introduced in recent years with the approval of the managers concerned, and a very substantial increase in the grants made to these institutions, amounting, in one case, to more than double the former rate, has been sanctioned with a view to providing improved staff and equipment.

"I trust that the Council will excuse the length of these remarks, which have travelled somewhat beyond a bare explanation of the budget figures. Knowing the interest which educational questions are arousing at the present time, I thought it would not be out of place if, without attempting to give a sketch of educational policy, I added a few explanatory comments of a general nature."

The Hon'ble Mr. SCRATCHLEY :—"The budget heads which have been entrusted to me deal with the figures for Civil Works and Irrigation.

"With regard to Civil Works the budget estimate for 1911-12 was fixed at 57.98 lakhs and a subsequent addition was made of 5 lakhs for the Simla Extension Works and 1 lakh for various other works, making a total of 64 lakhs round figures. The decrease in the revised budget estimate for Public Works for the current year is due to savings under establishment amounting to 1½ lakhs and to lapses in the initial grants made for the King Edward's Memorial 2½ lakhs, the new Civil Secretariat and Veterinary College 4½ lakhs, feeder roads 1 lakh, and various small items amounting to 5½ lakhs. The saving under establishment is due to the abolition of the Gujranwala and Ferozepore Provincial Divisions, the transfer of the office of the Examiner, Public Works Accounts, to the office of the Accountant-General, Punjab, and to the non-utilisation of the grant of Rs. 19,000 for the Engineering School at Rasul owing to its remaining under the control of the Education Department.

"The lapse on the King Edward Memorial Scheme was not anticipated when the first revised estimate was under consideration, and the remark of the Hon'ble Member for Finance regarding the probability that the whole grant would be spent was presumably based on the information then at hand. It has

[ Mr. Scratchley. ]

now been ascertained that payments for land amounting to 2½ lakhs must be deferred until next year. Competitive designs for the buildings have been received; one of the designs submitted has now been adopted, and the foundation stone for the extension of the Mayo Hospital was laid by His Honour the Lieutenant-Governor last December. A new Public Works Division for these works is about to be formed and rapid progress on construction may be expected in the coming year.

"The lapse of the total grant for the Civil Secretariat and Veterinary College is due to the question of sites for these buildings being still under consideration. The lapse of 5½ lakhs on other works is mainly due to the suspension of works and restriction of expenditure on account of the threatened scarcity in the Province. The restriction was eventually removed, but the expenditure on works had been retarded.

"The memorandum prepared by Finance Member fully explains the main features of the Civil Works budget estimate for 1912-13, and I have nothing to add to what has already been said.

"Under Irrigation, the work on the Triple Project is progressing satisfactorily. Out of the total estimate of 10·6 crores, 6·5 crores will have been spent at the termination of the current financial year. The Upper Chenab Canal Head Works and Main Line have been completed and also a portion of the distributary system. The canal will be opened for irrigation during next kharif season. Some fifteen distributaries of the Main Line, Lower, and Raya Branch in the Siálkot, Lahore and Gujranwála districts, aggregating about 1·9th of the full discharging capacity of the canal, will come into operation. The Chief Engineer estimates that the three canals of the Triple Project will be brought into use by the year 1914, that is to say, a year earlier than was originally anticipated. This should have the effect of bringing within shorter range the time when net receipts from irrigation will exceed the present guarantee of 41 lakhs under the terms of the Provincial contract and establish the element of elasticity in the financial system to which the Finance Member has referred.

"Under the head *XXIX—Irrigation—Major Works*, the total direct receipts for the current year are estimated at 206·2 lakhs. Of this the Provincial Budget is credited with half only under the terms of the Provincial Settlement. This sum, although it exceeds the preliminary estimate more by 15 lakhs, would have been still larger if the season had been favourable as regards the cotton crop on the Lower Chenab and Lower Jhelum Canals, for which remissions, roughly estimated at 3½ lakhs, have been taken into account. The total direct receipts in 1909-10 amounted to 178·9 lakhs and in 1910-11 to 184·3 lakhs. The forecast for the year 1912-13 is 198·8 lakhs, of which the Provincial Budget will be credited with 99·4 lakhs. As explained by the Finance Member, the current year has been an abnormal one, and we must base our estimate for the coming year on the assumption that there will be a return to normal conditions.

"Under *42—Irrigation—Major Works*, the total expenditure, exclusive of interest on debt, was, for the year 1909-10, 75·2 lakhs, for 1910-11, 74 lakhs, and, in the Revised Estimate for the current year, 79·3 lakhs, of which half will go against the Provincial Budget. The rise in expenditure during the current year has been explained by the Hon'ble Member for Finance in paragraph 42 of his memorandum.

"The year has been a favourable one for irrigation. In the year 1909-10 the total area irrigated in the Punjab was 7·09 million acres, in 1910-11 it was 7·23 million acres and during the current year we have irrigated 8·2 million acres, an advance of 13·5 per cent. over the previous maximum area irrigated (during the year 1910-11) and equivalent to 52 per cent. of the culturable commanded area. The increase of irri-

[ *Mr. Scratchley ; Mr. Diack ; Mr. Douie ; Mr. Shadi Lal .* ]

gation has been most marked on the Sirhind Canal System on which the area for the year exceeds the previous record (of the year 1899-1900) by 14·6 per cent. The Lower Chenab Canal has maintained its fine record by irrigating 2·3 million acres during the year now coming to a close, an increase of over 1,00,000 acres over its previous maximum. It is improbable that any great increase over eight million acres can be obtained from the canals which are already working until measures are taken to conserve existing supplies by staunching the irrigation channels or to supplement the existing river supply by storing water in the hills or by pumping from the underground reservoir. Attention is now being directed to these points, and it cannot be said that finality as regards extension of irrigation within the Doabs affected by our open canals has yet been attained.

"I ask leave 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.*

#### PUNJAB TENANCY ACT, 1887 (AMENDMENT), BILL.

THE Hon'ble Mr. DIACK moved that the report of the Select Committee on the Bill further, to amend the Punjab Tenancy Act, 1887, be taken into consideration. He said : "The Bill further to amend the Punjab Tenancy Act, 1887, was introduced in Council by the Hon'ble Mr. DOUIE on September 13th, 1911, and was on the same day referred to a Select Committee.

"Mr. DOUIE presented the Select Committee's report to the Council at our last meeting on November 15th, 1911. I now move that the report of the Select Committee be taken into consideration."

The motion was put and agreed to.

The Hon'ble Mr. SHADI LAL moved that for sub-clause (1) of clause 2 the following be substituted :—

"Where in a suit cognizable by and instituted in a Civil Court the defendant raises a plea involving a dispute or matter which can under this sub-section be heard and determined only by a Revenue Court, the Civil Court shall stay further proceedings in the suit until the dispute or matter has been determined by a competent court."

and also that sub-clause (2) of clause 2 be omitted. He said :—"The motion standing in my name is important, and it is designed to suggest a solution of the difficulty which has been raised by the decision of the Chief Court. It is stated in connection with this Bill, as the Hon'ble Members are aware, that the Chief Court has decided that a plea in a civil suit falling under the Tenancy Act shall be decided only by a Revenue Court and the Civil Court shall ignore it and proceed to decide the case. Surely the present Bill is not the correct solution of the difficulty. In the note of dissent which I have appended to the Report of the Select Committee will be found three possible solutions of the difficulty. One solution is amend section 77 (3) of the Punjab Tenancy Act and give jurisdiction to the Civil Courts to take cognizance of the whole suit including the plea. That was the solution which I suggested and was also suggested by the Chief Court. But it was not accepted by the majority of the Members of the Select Committee and by the Government. The other solution was that the Revenue Court be given jurisdiction over the entire suit and the case should be transferred to the Revenue Court, and that Court should proceed to decide it as if it were a revenue suit. This is the solution which has been accepted by the Government. I am sorry to say I am rather against this, and that is the reason why I have proposed an amendment. The third solution

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

of the difficulty is that the plea falling under the jurisdiction of the Revenue Court be sent to the Revenue Court by the Civil Court for decision, and in the meantime the proceedings in the Civil Court be stayed and on receipt of the decision of the Revenue Court the Civil Court should dispose of the suit. I was personally in favour of the first solution. As suggested by the Chief Court the plea—as well as the pleas—should be decided by the Civil Court, but I find that there is strong objection raised to that procedure. There is some force in that objection. Therefore I will not press that point. Strictly speaking that objection supports my contention because if the plea is of a special nature and cannot be decided except by Revenue Courts, then let it be decided by the Revenue Court. There is no reason why the whole suit should go to the Revenue Court. Otherwise the position is this—a plaintiff brings a suit for recovery of say one lakh of rupees; defendant comes to the court and in the pleas he raises in answer to the suit admits that one lakh of rupees are due by him, but out of it one rupee should be deducted on account of the value of a village cess, for that was due to him from plaintiff on account of the cess. That plea is cognizable by a Revenue Court, and cannot be entertained by a Civil Court, and the result is that on account of that plea the whole suit, which might involve important questions of law, is transferred from the Civil to the Revenue Court. I do not see the force of the principle underlying the Bill as there is no reason at all why the whole suit should go to the Revenue Court. The only objection to my amendment which was raised by the Members of the Select Committee was that delay would be caused in the decision of the suit, but the delay thus caused would not be so very great as to outweigh the advantages. I am in favour of taking the whole suit into a Civil Court, and this I submit is the proper solution of the difficulty. As far as I can find, this is the only province in which a solution of this kind is seriously suggested by the legislature. In other provinces we do not find that on account of a plea cognizable by a Revenue Court the whole case is transferred from the Civil Court to the Revenue Court. The amendment I submit is perfectly logical and by it the Revenue Officers shall decide their branch of the case. This view was accepted by the Government of India. With these few words in favour of the amendment I beg to submit it for the acceptance of the Council."

The Hon'ble Mr. DIACK.—"The Bill which is now before the Council was not put in its present form until other alternative forms had been considered in correspondence between the Punjab Government, the Government of India, the Chief Court of the Punjab, and the Financial Commissioner. One of the alternatives was in principle that now put forward by the Hon'ble Mr. SHADI LAL by way of amendment to the Bill. It was rejected in favour of the Bill now before the Council in consequence of the opposition of the Hon'ble Judges of the Chief Court. They considered the solution 'to be impracticable on the ground of the inordinate delay involved and still more so on the ground that it would enable a dilatory defendant to block the suit by the simple process of raising questions involving reference to the Revenue Courts merely with that object.' 'They felt strongly,' it was said in their letter, 'that there could be no satisfactory solution on the lines suggested.' On the other hand, they indicated two alternatives, to either of which they were prepared to agree; one of them being that before the Council by which the whole matter in dispute is transferred to the Revenue Court for disposal, and the other providing that the whole matter, including the technical revenue plea, may be disposed of finally by the Civil Court. The terms on which the Government of India approved of the introduction of the Bill leave it open to the Punjab Government to adopt any effective amendment of the law which may be arrived at after discussion in Council. I am prepared therefore to acquiesce in the Hon'ble Mr. SHADI LAL's amendment if it is preferred by a majority of the Council to the Bill. I would, however, suggest that if it is so preferred it should be referred to a select committee for consideration of the drafting before it is



[ *Mr. Diack.* ]

finally passed. But, having quoted the objections that have been taken to his amendment, I must ask your permission to answer the objections that have been taken to the Bill as it stands. These are firstly, that it will encourage a defendant, in order to procure the transfer of the case against him to a Revenue Court to set up a plea cognizable by a Revenue Court only, and secondly, that it will result in the transfer to Revenue Courts of a number of cases which are properly civil in their nature,

" I do not attach much force to the first objection. If the defendant is conscious of the justice of his cause he is scarcely likely to ask for a transfer to another court if he is satisfied with the Civil Court in which the suit has been instituted. If, on the other hand, he knows that his defence is bad, he will only desire a transfer if he thinks a weak defence has more chance of succeeding in a Revenue Court. I do not wish to offer any opinion as to the relative merits of Civil and Revenue Courts, and I do not think a defendant is likely to have any ideas on that general question. It is an objection to the personality of the presiding officer that is most frequently the cause of an application for transfer, and, if the Bill passes, that consideration may conceivably lead to the fabrication of a plea cognizable under section 77 of the Act, but the preference of a revenue to a Civil or a Civil to a Revenue Court, as such, is scarcely likely to have that effect. I do not therefore anticipate any such abuse of the Bill as would result in the transfer of a large number of true civil cases to the Revenue Courts.

" That brings me to the second objection. If the result of the Bill is either by its abuse or by its natural operation to throw a large quantity of civil work on Revenue Courts, I shall be one of the first to ask for its revision. And if I thought it was in the least likely to have such an effect I would vote for the amendment now before the Council. I see no reason why pleas cognisable under section 77 of the Act by Revenue Courts only should be more numerous after the Bill passes than they have been in the past. Look at the various heads of the section. There are very few of them that are capable of being twisted into pleas in a civil suit. The only cases of the sort which have come to notice in the past have been cases in which the plea of occupancy rights has been raised, and probably this will be the only class of cases that will give any trouble in future. Let us look at those which have come to notice.

" The first two, Punjab Record 96 of 1894 and 11 of 1895, are similar. One was a suit by the purchaser, the other by a mortgagee for possession of an occupancy tenant's holding. The defence was in the one that the sale was voidable under section 60 of the Act, in the other that the mortgage was invalid for want of consent of the owner under section 53. It was held that the Civil Court was precluded by section 77 from taking cognisance of these pleas, and the purchaser and mortgagee respectively were accordingly decreed possession. Under the law, as it is proposed to amend it, these cases would have been transferred to a Revenue Court for decision, and a Revenue Court would certainly seem to be the best qualified for their decision.

" The third, Punjab Record 24 of 1907, was a suit for Rs. 5, value of timber cut by the defendants on land which they pleaded was their occupancy tenancy. Here also the plea was ruled out and the Rs. 5 were decreed. Even if the plea was frivolous, not much harm would be done by the transfer of such a case to the Revenue Court.

" The fourth, Punjab Record 76 of 1908, is that which has led directly to the present legislation, and sprang out of another in which, as in the two first cited, a purchaser, whom we may call *C*, obtained a decree for possession of *A*, an occupancy tenant's holding, in spite of the objection of *B*, to whom the holding had been mortgaged, that the sale was invalid for want of consent of the landlord. *B* then obtained a decree in a Revenue Court setting aside the sale to *C*. But he was still out of possession and so had to bring a civil suit

[ Mr. Diack; President; Mr. Fenton.]

against *C* in the Divisional Judge's Court. So appropriate did this seem to be for trial by a Revenue Court that the Divisional Judge referred the whole matter for the decision of the Chief Court as to whether it was so. The Hon'ble Judges then in a Full Bench ruling affirmed the principle expressed in the previous rulings. Had the Act stood as it is now proposed to amend it, all this complicated litigation would have been avoided. *C*'s claim would have been transferred by the first of the Civil Courts concerned to a Revenue Court, and the whole matter would have been determined there once and for all. And the subject-matter of the case was obviously such as was meet to be tried by a Revenue Court by the spirit of section 77 of the Act.

"I think then that the probability is that the cases which will be affected by the amendment of the law will be similar to those I have cited. If I am wrong, and if it is found that true civil cases are transferred to Revenue Courts for decision, the law can be amended again."

His Honour the PRESIDENT :—"I should like to mention in connection with the motion before Council that we have no desire whatever to enter into the comparative merits and demerits of Revenue and Civil Courts. It has been allowed by the Government of India that we may adopt any practicable and desirable course to solve the difficulty, and the Hon'ble Members are perfectly free to vote for whichever of the solutions now put forward they may consider most appropriate."

The amendments were put to vote and lost.

The Hon'ble Mr. DIACK moved that the Bill as amended be passed.

The motion was put and agreed to.

#### PUNJAB PANCHAYAT BILL.

THE Hon'ble Mr. FENTON presented the Report of the Select Committee on the Bill to provide for the establishment of Panchayats in the Punjab. He said :—"A copy of the report as amended by the Select Committee has been placed before the members. It will be noticed that considerable alterations in the Bill as introduced have been made. They are shown in italics. These alterations are explained in the report of the Select Committee. But much in the way of explanation is not necessary because the Council is not committed in any way to the Bill as introduced which represented merely the official attempt to solve the Panchayat problem. The Bill as it has emerged from the Select Committee, on the other hand, represents the matured opinions of a body of nine members of this Council of whom eight are non-officials. They had the advantage of considering numerous opinions on the Bill which had been collected from Government officials and other persons. I do not think therefore that any further explanation is needed. The Bill will now be published in the local Gazette, and the members will have a full opportunity of considering the provisions and at the next meeting of the Council of making suggestions or amendments they think proper."

#### PUNJAB LAND REVENUE ACT, 1887 (AMENDMENT) BILL.

THE Hon'ble Mr. DIACK moved for leave to introduce the Bill further to amend the Punjab Land Revenue Act, 1887. He said :—"In asking leave to introduce a Bill further to amend the Punjab Land Revenue Act, 1887, I propose to indicate as briefly as I can its effect.

"By ancient custom all agricultural land in the Punjab pays revenue to the State. The Governments that preceded British rule usually took it in the form of a share of the produce of each field at each harvest. This system was converted by us into the present arrangement by which each

[ Mr. Diack ; Mr. Shadi Lal ]

holding in each village is liable for an annual cash payment, fixed for a term of years. That term, called the term of settlement, is at present generally 30 years in fully developed tracts, and 20 years in districts where, owing to the likelihood of canal irrigation being extended, or for other similar reason, the revenue demand is likely to become very inadequate by the end of that period, so that it would be unfair to the State, and to the general public whom it represents, to allow it to remain longer unreviewed. But at the end of the period, whether 20 years or 30, a revision of the demand does not ensue as a matter of course. As the period draws to a close the Financial Commissioner causes a summary inquiry to be made as to the progress made by the district concerned, as to whether, for instance, cultivation has extended and cash rents have risen, or whether, on the other hand, there has been deterioration or whether the distribution of the old demand over villages has become unequal owing to circumstances affecting different villages differently. The Financial Commissioner reports the result of his enquiry to the Punjab Government, and gives his opinion as to whether the revision of assessment should be undertaken immediately or whether it should be deferred. And under the law, as it now stands, if the Punjab Government considers that the time has come for re-assessment, it submits the Financial Commissioner's report to the Government of India with its recommendation, and it rests with the Government of India to decide whether the re-assessment should be undertaken.

"The Government of India are of opinion that it is no longer necessary that they should invariably be consulted at this stage, and that the Local Government may be left to decide the date on which the re-assessment of a district should be commenced after the expiry of the period of the present settlement. It is to give effect to this conclusion that the Bill, of which I have charge, has been framed. I move for leave to introduce it."

The motion was put and agreed to and the Hon'ble Mr. DIACK introduced the Bill.

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

The motion was put and agreed to.

On the Hon'ble Mr. SHADI LAL rising to move the following amendments standing in his name—

- (1) That the following proviso be added to section 49 of the Punjab Land Revenue Act, 1887—

"Provided that before granting sanction, the Local Government shall lay the proposals of reassessment before the Legislative Council, the members of which may submit such suggestions for the consideration of the Local Government as they think fit";

- (2) That for sub-section (3) of section 53 of the Punjab Land Revenue Act, the following be substituted—

"The Local Government shall, when confirming an assessment under sub-section (1), fix the period for which the assessment is to be in force. Such period shall not ordinarily be less than 30 years"

the Hon'ble Mr. DIACK said :—"I rise to a point of order. The Bill before the Council is a Bill to amend the Punjab Land Revenue Act, which is an Act made by the Governor-General in Council before the Punjab Legislative Council came into existence. Under section 5 of the Indian Councils Act of 1892 therefore it may not be amended by this Council without the previous sanction of the Governor-General. The Governor-General's sanction has been obtained to its being amended in the manner proposed in the Bill, but not in the manner

[ *Mr. Diack ; Mr. Shadi-Lal ; President.* ]

proposed by the Hon'ble Member in the first of the two amendments standing in his name. I maintain therefore that his amendment is out of order and should not be put to the Council. The previous sanction of the Governor-General in Council would also, it seems to me, be necessary under section 19 of the Act of 1861, as the measure affects the public revenues of India."

The Hon'ble Mr. SHADI LAL said :—" It is true that section 49 cannot be amended by the Provincial Council without the sanction of the Governor-General, but, so far as this Bill is concerned, sanction, as required by section 5 of the Indian Councils Act, 1892, has been obtained. I do not read that section to mean that previous sanction to an amendment of a Bill, which is duly before the Council, is necessary. As proposed the amendment would, no doubt, to some extent alter the original Bill. If the other interpretation is to be placed on section 5 of the Act of 1892 then this Council is quite helpless and bound to accept any Bill prepared by the Government, and has no power to suggest any amendment."

The PRESIDENT said :—" We have taken permission to amend section 49 but not the provisions of section 53."

Hon'ble Mr. SHADI LAL :—" Section 53 ?"

The PRESIDENT :—" Yes. You propose to amend two sections, 53 and 49. In regard to section 53, which also you want to amend, a separate sanction of the Imperial Government would have to be obtained. You cannot on a Bill, amending a single section of an Act, introduce amendments affecting other portions of the Act without obtaining the permission of the Government of India. Your amendment also apparently involves principles of revenue and taxation which can only be discussed in the Imperial Council."

Hon'ble Mr. SHADI LAL :—" We cannot perhaps amend section 53 without previous sanction."

The PRESIDENT :—" It is open to you, if you desire to amend any section to ask for permission to introduce a measure in regard to it."

The Hon'ble Mr. SHADI LAL :—" I do not see how the amendment affects any question of revenue and expenditure. Section 19 of the Indian Councils Act, 1861, provides that a member shall not, without the previous sanction of the Governor-General, introduce any measure affecting public revenues. I am not introducing any measure, but suggesting amendments to a measure already introduced. Nor do my amendments affect public revenues. In any case, I suggest that my amendments be submitted to the Government of India for sanction and the present Bill be not taken into consideration until the reply of the Government of India is received."

The PRESIDENT :—" As regards the proposal to amend section 53 that is a matter in the power of the Government of India to which the question must first be referred. There is also an objection to the proposed further amendment of section 49 by the Local Government because the amendment deals with the general revenues of India on which the Government of India naturally keep a jealous watch, and the question of the desirability of admitting the amendment proposed by Hon'ble Mr. SHADI LAL rests with the Government of India. I think the objection under section 19 of the Statute must be upheld. That section refers primarily to the proceedings of the Imperial Government, but that may very well be applied to the proceedings of the Local Government. It is the Hon'ble Mr. SHADI LAL's contention that the papers before the Council do not refer to the revenue system of India ; that the Council could prefer its suggestions as regards a particular settlement, and that the Local Government could consider those suggestions. It is a great question if it would be desirable to allow a preliminary discussion in Council in regard to the land revenue system of a particular district. Besides, I may point out to the Hon'ble Member that it is not open to the Local Government to make any new departure in regard to the principles of land revenue assessment which is a matter that is settled by the Government of India. We have proposed the present amend-

[ *President; Mr. Shadi Lal; Mr. Diack; Khwaja Ahad Shah.* ]

ment in the section not in regard to principle, but merely as to practice in order to be in conformity with the other provinces so that the Local Government may be entrusted with powers to sanction the commencement of settlement operations after the necessary inquiries as made at present, have been made. The principles regulating the assessment are laid down by the Government of India, and these cannot be varied without their consent and the sanction of the Government of India which is anything but formal is still required to the assessment as made. I am afraid I must rule the amendments out of order. If the Hon'ble Member desires to bring forward any measures for the amendment of the Land Revenue Act it will be taken into consideration and the orders of the Government of India will be taken."

Hon'ble Mr. SHADI LAL :—" My request is that the amendments may be submitted to the Council."

The Hon'ble Mr. DIACK moved that the Bill be passed. He said :—

" To meet criticisms which I have seen elsewhere, I wish to explain that the delegation to the Local Government of the authority to fix the date for undertaking the revision of settlement in any district does not divest the Government of India of any of its powers or responsibilities in respect of the method of framing the assessment. The general principles governing assessment will continue as at present to be laid down by them, and they retain their general power of control over the Local Government, and in the exercise of that control they can regulate the degree of enhancement to be taken and impose any restrictions that may seem to them to be required. Indeed, in the United Provinces of Agra and Oudh where it is provided in section 59 of Act III of 1901 that the Local Government may decide when a district may be brought under settlement, the practice up till last year was, as in the Punjab, that a reference was made to the Government of India before the Local Government exercised its power. It is now intended that in both provinces the Local Government shall, subject to the general control of the Government of India, be free to decide the question. But to put the Punjab on the same footing as the United Provinces it is necessary to amend the Punjab Act. I move that the Bill be passed."

The Hon'ble Mr. SHADI LAL :—" Your Honour, as my amendments have been ruled out of order I have unfortunately no alternative but to oppose the Bill now before the Council. The Bill has been based upon the report of the Decentralization Commission which contains several recommendations in connection with land-revenue assessments. The Bill embodies only one of them. The object of my amendments was to bring forward two important matters. One was that the proposals of re-assessment should be laid before the Provincial Council before they were sanctioned by the Local Government in order to give the members an opportunity to make suggestions. Two members of the Decentralization Commission were in favour of this view. The other matter which was unanimously recommended by the Commission was that the principles and the period of assessment should be embodied in the provincial legislation. I do not understand why one recommendation has been selected for acceptance and other recommendations, which are of great importance to the land-owners, have been left out. I propose that a Bill embodying all the recommendations dealing with settlements should be introduced and the Bill be not proceeded with."

The Hon'ble Khwaja AHAD SHAH spoke in Urdu, a translation of which is as follows :—

" Your Honour, the object of the Bill before the Council is to place this Province on an equal footing with Madras and Bombay so far as the power of sanctioning settlement operations is concerned. It is stated in the Bill that the sanction of the Secretary of State and the Government of India for the introduction of the contemplated measure has been obtained. This fact will necessarily prevent, to some extent, a free discussion of the measure. The mere fact that the Government of India and the Right Hon'ble the Secretary of State have already given their assent to the change will make us

[ *Khwoja Ahad Shah ; Mr. Diack.* ]

sceptical whether a free expression of opinion on our part will prove effective or fruitful. But I am fully convinced that British rule is based on trust and confidence in the people and due appreciation of public opinion, and that due regard is always paid to such matters as relate to the well-being and prosperity of the subjects of the British Government. Administrative changes are accordingly frequently made in accordance with public opinion,—a fact borne out by the annulment of the Partition of Bengal. This being the case, we should not abstain from expressing our views about the Bill.

“Your Honour, in my opinion the empowering of the Local Government to sanction the commencement of settlement operations is likely to cause pecuniary loss to the zemindars of this Province, and this will be taken to be the meaning of the delegation of executive powers.

“Your Honour, the people will naturally view this delegation of executive powers with suspicion, and it is for this reason that the public objects to the powers vested in Deputy Commissioners.

“Your Honour, I can cite a number of instances to show that such delegation of powers has bred suspicion in the minds of the people.

“In the recent assessment of the Ludhiana district it was probably due to intervention on the part of the Government of India that the increase in the Ludhiana tahsil did not exceed 19 per cent. on an average, while such increase in the revenue of the Jagraon tahsil amounted to no less than 64 per cent. on an average. Had the final approval of the assessment rested with the Local Government the Ludhiana tahsil would perhaps have been burdened with an increase of 40 per cent.

“Your Honour, ours is an agricultural Province and our expenditure is rising day by day. As only one-half of the Provincial revenue is allotted for Provincial expenditure, it is necessary to meet the daily increasing financial requirements in order to meet the increasing demands made on the treasury. This being so, the Local Government will unhesitatingly exercise its powers under this Bill. On the contrary, if the Government is not vested with the above powers it will be compelled by necessity to keep its expenditure within legitimate limits. The amendment before the Council will make the Local Government independent in regard of its expenditure, which will gradually be met by an increase in the Government demand. For these reasons, it is advisable that the power to sanction settlements should remain in the hands of the Imperial Government.

“Your Honour, it is the earnest desire of the well-wishers of the Province to see the financial condition of the Punjab greatly improved, and the lawyers wish to have the Chief Court raised to the status of a High Court. The improvement of the administrative machinery in all its parts will necessarily involve increased expenditure, which can be met by an enhancement of revenue and taxes.

“Your Honour, there is a vast difference between the agriculturists of this Province and the tenants in the Madras and Bombay Presidencies, and it does not therefore seem at all desirable to place the Punjab on a footing of equality with those Provinces. The zemindars of our Province are simple, peace-loving and contented. The enhancement of the Government demand will spread discontent and interfere with their agricultural work. For these reasons I oppose the Bill.”

The Hon'ble Mr. DIACK :—“I have nothing much to add in conclusion, but with reference to the first of the Hon'ble Mr. SHADI LAL's proposed amendments, I would point out that it is an amendment not so much of the Punjab Land Revenue Act as of the Indian Councils Act and the Rules under it. Our functions under that Act are limited to the making of laws and regulations and the discussion of the annual financial statement and of matters of general public

[ *Mr. Diack ; Mr. Fenton.* ]

interest. To provide that the Local Government shall, before passing an executive order in a certain case give the local legislative council an opportunity of advising on it would be to impose a limitation on Government and to confer an authority on the council that are not contemplated by the Indian Councils Act."

The motion was put and agreed to.

The Hon'ble Mr. FENTON moved that the Bill to make better provision for the colonization and administration of Government lands in the Punjab, which was referred to a Select Committee on the 16th December 1910 and whose report was presented to the Council on the 15th November 1911, be again referred to a Select Committee consisting of Hon'ble Sayad MEHDI SHAH, Hon'ble Sardar SUNDER SINGH, Hon'ble Mr. DIACK and the Mover.

The motion was put and agreed to.

#### ADJOURNMENT.

The Council adjourned to 10th April 1912.

LAHORE :

*The 13th March 1912.* }

S. W. GRACEY,

*Secretary, Legislative Council.*

## APPENDIX I.

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 Memoranda explaining the estimates of revenue and expenditure under the various Major Heads.

## Part I.

1. The first part of this memorandum deals with the general financial situation of the province in the current and ensuing years. The following figures give a broad outline of the position :—

	1910-11.		1911-12.		1912-13.
	Revised.	Actuals.	Budget.	Revised.	Budget.
	Rs. 1,000.	Rs. 1,000.	Rs. 1,000.	Rs. 1,000.	Rs. 1,000.
Opening balance ...	27,76	27,76	62,42	69,75	97,04
Revenue ...	3,89,02	3,91,12	4,07,26	4,30,16	4,20,13
Expenditure ...	3,54,36	3,49,13	4,20,10	4,02,87	4,49,37
Closing balance ...	62,42	69,75	49,58	97,04	67,80

2. It will be seen that the total Provincial revenue actually realized in 1910-11 exceeded the Revised Estimate submitted to the Council twelve months ago by Rs. 2,10,000, while the actual expenditure fell short by Rs. 5,23,000. A brief explanation is given below of the chief differences between the actuals and the Revised Estimates.

3. There was a decrease of Rs. 1,41,000 in the receipts under *I—Land Revenue Proper*, mainly due to smaller fluctuating collections, as the outturn of the kharif crop was poorer than was expected in certain districts. The increase of Rs. 1,32,000 under the sub-head *Assignments* is accounted for by larger sale-proceeds of shop and building sites in towns founded by Government, partly counterbalanced by a reduction in the Imperial contribution that is made to bring up the net Irrigation revenue to the guaranteed minimum. Other noticeable increases were Rs. 47,000 under *V—Excise*, due to keener bidding at auctions of vend licenses, Rs. 22,000 under *XVI-B—Law and Justice—Jails*, Rs. 26,000 under *XXIII—Stationery and Printing*, Rs. 24,000 under *XXXI—Civil Works in charge of Public Works Department officers*, and Rs. 96,000 under *XXIX—Irrigation—Major Works—Indirect receipts*. Under the last-named head the Revised Estimates provided for a large increase in the portion of land revenue due to irrigation on account of certain changes of assessment which were explained in the memorandum on last year's financial statement, but the actual results have been still more favourable than was anticipated.

4. On the expenditure side the actuals show excesses of Rs. 57,000 under *19-A—Law and Justice—Courts of Law*, mainly owing to larger expenses of Criminal Courts, Rs. 34,000 under *19-B—Law and Justice—Jails*, Rs. 42,000 under *20—Police*, and Rs. 61,000 under *45—Civil Works in charge of Civil*



*Officers.* The last figure is explained by heavier outlay on improvements in newly founded towns and by larger contributions to local bodies. The principal decreases were Rs. 66,000 under 3—*Land Revenue*, where higher charges on district administration were more than counterbalanced by savings on settlements and land records, Rs. 20,000 under 11—*Forest*, Rs. 1,10,000 under 24—*Medical*, where barely a third of the sum of Rs. 1,50,000 for grants to local bodies in aid of sanitation was utilized, owing to various schemes not having been worked out before the close of the year, Rs. 41,000 under 26—*Scientific and other Minor Departments*, and Rs. 4,49,000 under 45—*Civil Works in charge of Public Works Department officers*.

5. The large lapses under the last-named head were due partly to the failure of Superintending Engineers to report savings in time for inclusion in the Revised Estimates, partly to the Director-General of Stores having been unable to pay for certain stores indented for during the year, and partly to unusually heavy rain in January and March, which necessitated the stoppage of many works in progress.

6. The net result of the above variations was that the year 1911-12 opened with a balance higher by Rs. 7,33,000 than was anticipated a year ago.

7. The estimates for the current year have been to some extent disorganized by the vagaries of the weather. The early stoppage of the monsoon compelled Government to be prepared for a large reduction in the receipts from land revenue, and Heads of Departments were accordingly instructed to postpone all avoidable expenditure. The abnormal deficiency of the rainfall in July and the earlier part of August caused irreparable damage to the kharif crop on unirrigated lands, and the agricultural outlook became very gloomy indeed. The situation was considerably improved by good rain towards the end of August, and more rain in September and October over a large part of the province brightened the prospects of the rabi crop. The absence of the usual rain in December gave further cause for anxiety, which was finally set at rest by good general rainfall in January.

8. Owing to the above circumstances the kharif crop has been generally a failure on unirrigated lands, while the success of the rabi is practically assured. In consequence, however, of the succession of good seasons which the province has enjoyed there are ample stocks of grain in the country, and the numerous cultivators who hold much of the stocks have derived considerable benefit from the rise in prices. The great majority of the landowners have therefore been well able to pay the kharif instalment of land revenue, and it has only been found necessary to suspend payment in tracts where holdings are small and the people have no adequate reserves to fall back on. The aggregate loss of revenue from suspensions in the Revised Estimate is 16 lakhs, of which the Provincial share is one-half.

9. The weak monsoon is also perhaps to some extent responsible for a reduction of Rs. 1,95,000 (of which one-half is Provincial) in the Revised Estimate of the receipts from the sale of Government estates. As stated last year, the budget estimate of 53 lakhs under this minor head was necessarily tentative. During the first six months of the year the applications to purchase fell far short of anticipations. Possibly this was due to uncertainty as to the course of the monsoon, and possibly to other causes. The Punjab peasant is very cautious, and the bargain offered to him may have appeared so tempting that he suspected a trap. At any rate a strong rumour was reported from one district that the Government intended to curtail the supply of water as soon as the tenants had purchased their holdings. It is hardly necessary to say that this rumour was absolutely without foundation. In October an active demand sprang up, but it fell away again in the succeeding months, and, though the demand revived in February, it is now unlikely that the Budget Estimate will be fully realized.

10. The loss of land revenue indicated above is to some extent counterbalanced by an increase of Rs. 13,45,000 (one-half Provincial) anticipated under fluctuating collections owing to the introduction of fluctuating assessments in the Lower Chenab Canal Colony and to wider rabi sowings in other canal tracts. A considerable increase is also expected in the portion of land revenue due to irrigation which is credited under the head *XXIX—Irrigation—Major Works* as an indirect receipt. The direct receipts of the Irrigation Department show an increase of Rs. 7,49,000, mainly owing to a greater demand for water, consequent on the failure of the monsoon. The growth of these direct receipts is of no immediate advantage to Provincial revenues because the minimum net revenue from irrigation (*i.e.*, receipts *minus* expenditure) is guaranteed at 41 lakhs, and, so long as the actual revenue falls short of that minimum, the Imperial assignment to make good the guarantee is reduced *pari passu* with any increase in receipts. The increase of irrigation revenue in a year of scanty rainfall is, however, a hopeful sign for the future of Provincial finance. As soon as the net revenue begins to exceed the guaranteed minimum, the fact that the canals are able to respond to an abnormal demand for water will supply a much-needed element of elasticity in our financial system which is so largely dependent on the weather for its chief source of revenue.

11. The only other head, besides Land Revenue, that shows a serious decrease is *XVII—Police*, under which the Revised Estimate is Rs. 3,93,000 less than the Budget. This drop is due to the cessation of contributions hitherto received from municipalities. From 1st April 1911 the local bodies have been relieved of these contributions and also of all expenditure on the maintenance of police buildings, while Provincial revenues have been compensated by an Imperial assignment through the Land Revenue head. As the change involved both a loss of revenue and an increase in expenditure it was decided to provide for the transaction in the Budget for 1911-12 by a lump addition under the head *20—Police* on the expenditure side. In the Revised Estimates the effect of the change has been allowed for on both sides of the account, and consequently those estimates show a considerable fall in both revenue and expenditure.

12. Apart from the heads discussed above the Revised Estimates generally show an improvement on the Budget, the most noticeable increases being under *I—Land Revenue—Assignments*, *V—Excise*, *IX—Forest* and *XVI—B—Law and Justice—Jails*. Under the first of these heads the decrease in the amount required to make good the guarantee of irrigation revenue is more than counterbalanced by a special assignment of Rs. 2,69,000 to cover the gratuities granted to low-paid Government servants on the occasion of the Coronation Darbar. The Revised Estimates also include the following special grants made by the Government of India from the Imperial surplus:—Rs. 6,17,000 for sanitation; Rs. 4,00,000 for agriculture, veterinary and forest objects (including 3 lakhs for the Veterinary College); and Rs. 6,00,000 for the Central Research Institute. With regard to this last grant, the Punjab Budget only serves as a post office. The institute is maintained for the benefit of the whole of India, but the grant is passed through the Provincial accounts because the building is located at Kasauli.

13. The increase of Rs. 2,50,000 under Excise is partly from gain on sale-proceeds of excise opium, but mainly from license and distillery fees for the sale of liquors and drugs. The rapid rise of excise revenue in the last few years is a matter of grave concern to the Government and of serious import to the province. In so far as it is due to higher taxation it calls for no explanation or defence, and in so far as it indicates an increase in the purchasing power of the people, it may afford some ground for satisfaction; but it must be admitted that the main cause of the growth of revenue is an increase in the consumption of alcoholic liquors, and it is altogether regrettable that increased

prosperity should lead to indulgence in this direction. The constant aim of Government is to obtain the maximum of revenue with the minimum of consumption, but in pursuit of this object it has to steer a careful course between the Scylla of increased consumption and the Charybdis of illicit distillation. To raise the duty does more harm than good if the consequent decline in the consumption of liquor on which duty has been paid is accompanied by an equal or greater increase in the consumption of illicit products. The duty on country spirit was raised from Rs. 4 to Rs. 5 a gallon barely three years ago, *viz.*, from 1st April 1909, but, as the preventive establishment has recently been strengthened and reorganized, the question whether a further enhancement of duty can safely be made is receiving consideration.

14. The estimated increase of Rs. 1,74,000 in Forest revenue is partly accounted for by a refund of Rs. 56,000 which was wrongly debited as forest expenditure in the previous year. The remainder of the increase is due to arrears of fuel fellings in Multan from the previous year and to various other causes. The departmental officers apparently find it difficult to estimate the receipts from drift timber, and the outturn of fuel to be obtained from several thousands of acres. It is satisfactory to note that this large increase of revenue is expected to be obtained without any rise in expenditure, but the latter has been to some extent curtailed by the instructions referred to in paragraph 7 above in connection with the failure of the monsoon.

15. The increase of Rs. 71,000 expected under Jail receipts is mainly due to the extension of the supply of jail manufactures to Government departments. Steady efforts are being made to turn prison labour into useful channels both in the interests of economy and of the convicts themselves. This policy has been criticized in some quarters as discouraging private enterprise, but the criticism is not endorsed by the leading commercial association in the province, the Punjab Chamber of Commerce, and it seems obvious that it is to the true interest of the general tax-payer to utilize all surplus prison labour in so far as this can economically be done. It is noticeable, however, that the increase in receipts under this head is accompanied by a considerable rise in jail expenditure on account of increased purchases of raw materials, and the progress of jail manufacture, therefore, requires careful supervision. Real economy can only be secured in cases where labour constitutes a considerable factor in the cost of the finished product.

16. On the expenditure side the Revised Estimates as a whole show a considerable decrease on the Budget for 1911-12, although they include Rs. 2,89,000 on account of the Darbar bonus, distributed under the appropriate heads. Under a few heads only there are increases which deserve notice. Under 18—*General Administration* the rise of Rs. 1,32,000 is almost entirely due to extra provision for the Coronation Darbar, the Provincial expenditure on which is now estimated at Rs. 2,26,600. Under 19-A—*Law and Justice—Courts of Law* the increase of Rs. 73,000 is due to a variety of causes which are explained in the second part of the memorandum.

17. Under 23—*Superannuation Allowances and Pensions* the Revised Estimate is Rs. 48,000 above the Budget for 1911-12 and Rs. 1,15,000 higher than the actuals for 1910-11. The rapid growth of expenditure under this head is a matter of serious import to Provincial finance. The recent rise in the cost of living is steadily forcing up salaries, and thus automatically raising the pension bill; and though it has been decided to place all future menial appointments as far as possible on a non-pensionable basis, this will do little to stem the rising tide. The system of debiting pensions to the province in which they are paid and not to the department in which they are earned presses heavily on the Punjab, whose enterprising inhabitants find employment in many Imperial departments.

18. Under 42—*Irrigation—Public Works* the increase of Rs. 4,77,000 is due to special work on the Western Jumna, Lower Chenab, and Lower Jhelum Canals, and to a general rise in labour rates. As explained in paragraph 10 above, the increase in irrigation expenditure has at present no practical effect on the finances of the province.

19. Only four major heads in the Revised Estimates show a large decrease as compared with the Budget for 1911-12. The fall under 20—*Police* has already been explained. The decrease of Rs. 2,02,000 under 24—*Medical* is mainly due to a transfer to 45—*Civil Works* of certain grants made to local bodies for sanitary projects, and to the fact that the Government of India have agreed to bear the cost of an enteric ward for the Walker Hospital at Simla, estimated at Rs. 50,000.

20. The decrease of Rs. 3,43,000 under 22—*Education* is partly due to lapses from the special addition of four lakhs made to the Budget from Imperial Revenues and partly to the transfer of expenditure from this special provision to the head 45—*Civil Works*. Under account rules the incidence of expenditure is determined not so much by the object with which, as by the department in which, it is incurred. The outlay on buildings for Government schools and colleges is thus brought to account under the *Civil Works* head, and the figures under 22—*Education* do not therefore by any means represent the total expenditure undertaken by Government for educational purposes.

21. Under 45—*Civil Works* the Revised Estimates show a decrease of Rs. 16,45,000. There has been considerable delay in the execution of the hydro-electric project at Simla, owing to the necessity of obtaining the machinery through the Director-General of Stores at the India Office. It is, therefore, expected that out of the sum of Rs. 10,00,000 provided in the Budget, hardly Rs. 5,00,000 will be utilized in the current year. The progress of the scheme for a new Medical College and hospital at Lahore as a memorial to his late Majesty King Edward has also been delayed in order to obtain the Secretary of State's approval to the estimates, and though it is expected that the five lakhs provided for this scheme will be spent by the 31st of March, there will be a lapse of four lakhs or more out of the provision of five lakhs made for the subsidiary project of removing the Veterinary College from its present site and possibly of constructing a new Civil Secretariat. Further lapses are also anticipated on account of the orders referred to in paragraph 7 above deferring all avoidable expenditure. Although those orders were withdrawn as soon as it was considered safe to do so, they prevented the Public Works Department from fully utilizing the provision made in the Budget.

22. The net result of the Revised Estimates is an increase of Rs. 22,00,000 in receipts and a decrease of Rs. 17,23,000 in expenditure, thus raising the closing balance of the current year to Rs. 97,04,000. Out of this sum, Rs. 35,67,000 may be regarded as earmarked for special purposes as explained in part II of this memorandum.

23. The Budget for next year anticipates a normal monsoon, and consequently a large increase in the receipts from land revenue as compared with the Revised Estimates of the current year. In view of the favourable prospects of the rabi crop it is expected that the greater part of the arrears will be realized, and this, coupled with better collections of the current demand, new fluctuating assessments in the canal colonies, and the normal growth of fixed assessments, accounts for an increase of Rs. 33,22,000 (of which one-half is Imperial) under the minor head *Ordinary Revenue*.

24. The receipts from the *Sale of Government estates* cannot be estimated with any approach to accuracy. As observed in paragraph 9 above, the tenants have not so far shown such eagerness to purchase their holdings as was

anticipated a year ago. The Government has no immediate need of the money, and is making no attempt to stimulate purchases. In fact it is rather to the advantage of Government that the cultivators should continue to pay *malikana* which, over the greater part of the Chenab Colony, amounts to about 6 per cent. on the purchase price. The recent revival in the demand to purchase seems to indicate that the tenants are beginning to realize that the Government's gain is their loss, but, in view of the fluctuations in the current year, the Budget Estimate under this minor head has been taken at the moderate figure of Rs. 32,80,000 (including the Imperial share). This figure will probably be exceeded if the year is a prosperous one for the agriculturalists.

25. The Direct Receipts of the Irrigation Department show a decrease of Rs. 3,67,000 on the Revised Estimate, owing to the expected return of normal conditions and the absence of the special demand for water that prevailed in the current year. The falling off under this head will be made good by an increase in the compensatory assignment, though the total assignments show a decrease of Rs. 13,75,000, mainly owing to the absence of the special grants referred to in paragraph 12 above. They include, however, a recurring grant of Rs. 3,50,000 which has been allotted to the Punjab out of the subsidy announced at the Coronation Darbar for educational purposes.

26. No other heads on the receipt side of the Budget show remarkable variations. A moderate increase of Rs. 50,000 is expected under *IV—Stamps*. The increase of Rs. 25,000 only under *V—Excise* may seem unduly cautious in view of the rapid rise of revenue in the last two years. But it would not be safe to assume that this rate of growth will be maintained, as there is always a possibility of reaction when extremely high prices have been realized at the auctions of vend licenses. Although, as stated in paragraph 13 above, the question of raising the still-head duty is under consideration, it is not certain that the proposal will mature in time to affect the revenue for next year. It has therefore been decided to adopt a moderate estimate in the Budget.

27. The expenditure anticipated in the coming year shows under the following two heads a noticeable decrease as compared with the Revised Estimates for 1911-12 :—Under *18—General Administration* the decrease of Rs. 1,81,000 is due to the absence of provision for the Coronation Darbar, excepting an item of Rs. 50,000 for the replacement of tents, carpets and furniture destroyed by the fire in the Lieutenant-Governor's Camp. Under *42—Irrigation—Public Works* the decrease of Rs. 4,07,000 is due to the cessation of the special work referred to in paragraph 18 above.

28. The principal increases are explained below :—The rise of Rs. 1,55,000 under *3—Land Revenue* is mainly due to the extension of settlement operations and to provision for a proposal which is under consideration for increasing the pay of certain appointments in the Punjab Commission. The increase of Rs. 78,000 under *19-A—Law and Justice—Courts of Law* is explained in detail in part II of the Memorandum. Under *22—Education* the Budget provides for an increase of Rs. 5,24,000, a considerable part of which will be recurring and will be met from the subsidy of Rs. 3,50,000 referred to in paragraph 25 above. Further details will be given by the Member in charge. Rupees 4,00,000 are also provided under the *Civil Works* head for expenditure on educational buildings. It is thus expected that at the close of the year only Rs. 1,00,000 will remain unexpended out of the special grant of 9 lakhs made by the Government of India last year. Under *24—Medical* there is an increase of Rs. 9,75,000, of which one lakh is due to the increased grant to the Central Research Institute, and the remainder will be devoted to sanitary grants and works, which have been rendered possible by the Imperial grant of Rs. 6,17,000. It is proposed to utilize the whole of

this grant in the coming year. The increase of Rs. 3,15,000 under 26—*Scientific and other Minor Departments* will be devoted chiefly to agricultural and veterinary objects including about a lakh for equipment of a new Veterinary College. The Imperial grant of 4 lakhs will be utilized partly for projects falling under this head, and partly for expenditure under 11—*Forest* and 45—*Civil Works*. The increase of Rs. 1,35,000 under 32—*Miscellaneous* is due to the provision of Rs. 60,000 for improving the pay of clerks on Rs. 30 per mensem or less, and of Rs. 50,000 for unforeseen charges. As charges of this kind, when incurred, will be brought to account under the appropriate heads, the Budget estimate cannot be expected to tally with actual expenditure under the head *Miscellaneous*.

29. As was to be expected in a year of high revenue, the largest increase occurs under the head 45—*Civil Works* where the Budget Estimates for 1912-13 provide for a rise of Rs. 26,79,000 over the Revised Estimates of the current year. This increase is explained in some detail in the second part of the Memorandum, and it will be sufficient here to mention some of the more important works which it is proposed to undertake next year. Provision is made for expending the remaining moiety of the Imperial grant of 10 lakhs towards the King Edward Memorial Scheme at Lahore, and 6 lakhs have been added for removing the Veterinary College and for the possible erection of a new Secretariat. Part of the cost of this scheme will be met from the recent Government of India grant, 3 lakhs of which will be devoted to the Veterinary College. Four and a half lakhs are provided for the Simla Extension Scheme, leaving a balance of only Rs. 50,000 out of the Government grants towards this project.

30. New bridges account for 7 lakhs. The North-Western Railway is abandoning the present bridges over the Beas and Sutlej adjacent to the Grand Trunk Road, and has offered to sell the girders at a comparatively cheap price. It has therefore been decided to take over these railway bridges and make them suitable for ordinary road traffic. It is also proposed to start work on a new bridge over the Ravi at Lahore, where the closure of the railway bridge to road traffic, and the consequent concentration of all such traffic on the bridge-of-boats is causing considerable inconvenience to the public.

31. Two lakhs are provided for the construction of a wheat elevator at Lyallpur, where the accommodation of the existing grain market has proved insufficient, and it is hoped that, if Government leads the way, private enterprise may be directed to this channel which has been found so useful in America, not only for the storage of wheat, but also for enabling the cultivator to get it properly classified and to obtain credit for his produce without putting it immediately upon the market. The success of the venture cannot be assured without the co-operation of the North-Western Railway and of the port authorities at Karachi; but if it is demonstrated that the elevator system is suitable to the requirements of the great wheat-producing tracts in the Punjab, it will clearly be to the interest both of the railway and of the port to provide facilities for export in bulk. The experiment therefore, although costly, is pregnant with large possibilities.

32. As regards Educational buildings, in addition to a large provision for new schools, about 2½ lakhs are provided for a new biology and physics laboratory at the Government College, Lahore. In pursuance of the scheme for the concentration of convicts in large jails, 2 lakhs are provided for the conversion of the Lahore District Jail into a Central Jail and Rs. 70,000 for a new sub-jail at Amritsar. Besides the above and other special items, liberal provision is made for the ordinary requirements of various departments which still have arrears of many lean years to work off.

33. The expenditure contemplated in the coming year will thus absorb the whole of the estimated revenue and Rs. 29,24,000 from the Provincial balance, reducing the latter from Rs. 97,04,000 to Rs. 67,80,000. The opening balance, however, includes about 35½ lakhs which are earmarked for special purposes, and the greater part of this obligation will be discharged in 1912-13, leaving a balance of 1 lakh only from the special grant made last year for Education and Rs. 50,000 from the grant promised by the Punjab Government towards the improvement of Simla. The free or unearmarked portion of the Provincial balance is therefore expected to be raised by about 4½ lakhs, and if the estimates are realized, the financial position will be strengthened to this extent during the coming year.

34. In measuring the financial position, however, it is advisable to consider how much of the revenue and expenditure shown in the Budget Estimates is normal and recurring, and how much is due to transient causes. On the revenue side the unusually high collections of arrears (Rs. 5,50,000) and the receipts from sales of Government estates (Rs. 16,40,000) may be placed in the latter category, and the balance of Rs. 3,98,23,000 may be regarded as normal revenue. It is not so easy to say what portion of the expenditure should be classed as abnormal. The 34 lakhs that will be spent out of special grants clearly come under this head, and the expenditure contemplated on a new Veterinary College building or Secretariat (say 4 lakhs, excluding the amount that will be met from the special grant), on new bridges (7 lakhs) and on a wheat elevator (2 lakhs), may also be regarded as special. The numerous other works for which funds are being provided are in a sense ordinary, in that demands for some such works come forward every year, but the total provision made for them in 1912-13 is abnormally large because the province can now afford to work off some of the arrears of past years. If conditions were normal, some of the demands, which it is proposed to meet next year, would have to stand over till another year. Perhaps 3 lakhs would be a reasonable figure to deduct on this account. The normal expenditure in the Budget Estimates would then stand at Rs. 3,99,37,000, or Rs. 1,14,000 in excess of the normal revenue.

35. In view of the large receipts from land sales that are practically certain to accrue in the next few years, this small deficit may be regarded with equanimity. In fact, the financial problem confronting the province is not how to make both ends meet in the near future, but how to prevent the growth of recurring expenditure from receipts which should be treated as capital. If heavy recurring liabilities are undertaken on the strength of these receipts, the province will find difficulty in meeting its annual charges a few years hence. It is desirable that the abnormal and transient revenue from land sales should be devoted to non-recurring and, if possible, remunerative expenditure. The purchase or construction of residences for Government officials affords one avenue for expenditure of this kind, as it will be recouped by receipts from rent or by the avoidance of house-rent allowances. Another and wider avenue may be opened out by the plantation of new forests in irrigated State lands. The experience derived from the Changa Manga forest has shown that a considerable revenue can be obtained from such plantations, and any measure that will supplement the diminishing supply of firewood will be of material benefit to the people. The possibilities of expenditure in these two directions are under investigation.

36. The second part of this memorandum, which was drafted by Mr. Burdon, Assistant Financial Secretary, explains the estimates of revenue and expenditure under the various major heads or groups of major heads. It also explains important variations under minor heads, and as the distribution between Imperial and Provincial is not carried out under the majority of these heads, the second part of the memorandum deals with the gross figures.

## Part II.

## INCOME.

*I—Land Revenue* (excluding the portion of land revenue transferred to *XXIX—Irrigation*).—Under Land Revenue proper the revised estimate for 1911-12 shows a decrease of Rs. 23,50,000 on the sanctioned budget for the year, due mainly to the fact (1) that the estimate of the credits to be afforded to the Irrigation Department was too low by 15 lakhs, and (2) that suspensions of fixed land revenue amounting to 16 lakhs have been necessitated by the failure of the kharif harvest. These reductions are counterbalanced to some extent by an increase in the collections of fluctuating land revenue. The latter increase is the result of the introduction of new fluctuating assessments in the Lower Chenab Canal Colony and wider rabi sowings in other canal areas.

The budget estimate for 1912-13 anticipates an increase of Rs. 10,20,000 on the current year's revised estimate. Collections of arrears of land revenue account for an increase of 11 lakhs, and there is a further larger increase due to enhanced assessments both of fixed and fluctuating land revenue and to better collection of the normal demand. On the other hand, receipts from sales of proprietary rights in the canal colonies are estimated to produce 18½ lakhs less than in the current year and there is a further increase of Rs. 4,14,000 anticipated in the credits to be given to the Irrigation Department.

Under the sub-head "Assignments" the revised estimate exceeds the budget estimate for 1911-12 by Rs. 16,87,000. The increase is due almost entirely to the special assignments of Rs. 16,17,000 made by the Government of India for expenditure on sanitation, a Central Research Institute, and on agriculture and allied objects. An assignment of Rs. 2,89,000 has also been made to cover the cost of the bonus of half a month's pay to Government servants drawing Rs. 50 a month or less, which was announced at the Coronation Darbar at Delhi. On the other hand, the assignment required to bring the net revenue from irrigation up to the guaranteed minimum of 41 lakhs has in the revised been reduced by Rs. 2,71,000. Small assignments sanctioned during the year for archaeological works account for the rest of the net increase.

The budget estimate for 1912-13 shows a decrease of Rs. 14,00,000 on the revised estimate of 1911-12, due mainly to the absence of the special non-recurring assignments received in the latter year, which are mentioned above, and also to less receipts on account of the sale-proceeds of land sold for new towns in colony areas. The decreases are partly counterbalanced by the special recurring assignment of Rs. 3,50,000, which has been given to the Punjab out of the allotment of 50 lakhs for the improvement of education announced at the Delhi Darbar and by an increase in the assignment required to make up the guaranteed revenue from irrigation.

*IV—Stamps*.—The sanctioned budget for 1911-12 anticipated an increase of Rs. 2,58,000 over the actuals for the previous year. The rate of realisations up to date has necessitated an increase of Rs. 50,000 in the revised. An increase of 1 lakh over the revised estimate is anticipated in 1912-13. This increase represents approximately the normal growth of income under this head.

*V—Excise*.—The original budget estimate of 1911-12 provided for an increase of Rs. 1,06,000 over the actuals of 1910-11, mainly under License and Distillery Fees and Duties for the sale of Liquors and Drugs.

The estimate was professedly moderate in view of the incalculable nature of receipts derived from license fees, which depend on the results of bidding at auctions, and it has now been found necessary to raise the original estimate by



5 lakhs, mainly owing to the fact that the prices realised at the auctions for the current year were considerably higher than was anticipated. Gain on sale proceeds of opium accounts for a certain proportion of the increase, and this is due to the increasing popularity of excise opium and also to better supervision on the part of the reorganised Excise staff.

The budget estimate of 1912-13 anticipates a further increase of Rs. 50,000, a cautious estimate having again been adopted.

*VIII—Assessed Taxes.*—The original estimate for 1911-12 provided for an increase of Rs. 82,000 over the actual civil receipts of 1910-11. On a review of the progress of accounts it has been necessary to reduce this by a small amount, Rs. 22,000 only. The budget estimate for 1912-13 anticipates an increase of Rs. 44,000 over the revised. Receipts under this head expand slowly, and the increase anticipated represents the normal growth of income as calculated from the figures of the past three years.

*IX—Forests.*—The revised estimate of 1911-12 shows an increase of Rs. 1,74,000 on the original estimate for the year. Of this amount a considerable sum (Rs. 56,000) cannot properly be classed as forest revenue, as it represents a refund made by the Public Works Department to the Forest Department of money advanced for the construction of works which were eventually debited direct to 45—*Civil Works*. The rest of the increase is due to the undertaking of productive timber works in the Kulu, Lahore and Jhelum Divisions, to increased receipts from drift timber, to collection of arrears on account of fuel fellings in Multán from 1910-11, and to an increase in the quantity of fuel extracted from the forests sold to purchasers in Multán and Montgomery, partly counterbalanced by a decrease in the receipts of the Ráwalpindi Division consequent on delay in the completion of the Patriáta rope-way and on a fall in the price of fuel. The budget estimate has been fixed at Rs. 9,000 less than the revised estimate.

*X—Registration.*—The revised estimate for 1911-12 provides for a small increase of Rs. 5,000 over the original estimate of the year and the budget estimate for 1912-13 for a further small increase of Rs. 4,000. Experience has shown that no great increase can be anticipated under this head.

*XII—Interest.*—The revised estimate for 1911-12 shows a decrease of Rs. 20,000 on the original estimate for the year, due to the necessity of postponing recoveries which has arisen as a result of unfavourable agricultural conditions. The budget estimate for 1912-13 anticipates an increase of Rs. 30,000 over the revised estimate for 1911-12, due mainly to the large grants of takkavi which have been made in the current year in consequence of the failure of the kharif harvest and to the fact that a large loan (Rs. 5,50,000) is to be made to the Delhi Municipality for extension of water-works, the greater part of which will be taken up in 1911-12.

*XVI A—Law and Justice—Courts of Law.*—The revised estimate of 1911-12 shows an increase of Rs. 13,000 over the original budget, which is ascribed mainly to an increase under "General Fees, Fines and Forfeitures." The budget estimate for 1912-13 repeats the revised estimate. It is impossible to calculate with certainty on an increase under this head, the receipts being essentially of a fluctuating nature.

*XVI B—Law and Justice—Jails.*—The revised shows an increase of Rs. 71,000 over the sanctioned budget, due to increased receipts from jail factories on account of articles manufactured for public offices and on account of tents, etc., supplied for camps at the Delhi Darbar.

The former cause accounts for the further increase of Rs. 8,000 in the budget estimate for 1912-13.

**XVII—Police.**—During the current year the Government of India have remitted the contributions formerly paid by municipalities on account of police. This accounts for a decrease of Rs. 4,13,000 in the revised estimate for 1911-12 as compared with the original estimate. Provincial revenues have been compensated for the loss by an assignment through the land revenue head. Apart from this factor the revised estimate shows an increase of Rs. 20,000 over the sanctioned budget, due to recoveries on account of punitive police.

See also 20—Police.

The budget estimate for 1912-13 has been fixed at Rs. 12,000 less than the revised, the figure adopted representing approximately the normal income under this head.

**XIX—Education.**—The revised estimate for 1911-12 shows an increase of Rs. 11,000 over the sanctioned budget for the year, due to several variations, the more important of which are an increase of fees from Government schools and a smaller decrease in fees from Government colleges. The budget estimate for 1912-13 shows a further increase of Rs. 23,000 over the revised estimate based on the continuance of the normal growth of the income from fees which has taken place in the past three years.

**XX—Medical.**—The revised estimate for 1911-12 provides for an increase of Rs. 3,000 over the original budget for the year, due to unusually large receipts from fees for certificates granted to students proceeding to Europe.

**XXI—Scientific and other Minor Departments.**—The revised estimate for 1911-12 shows a decrease of Rs. 21,000 on the original estimate of the year, due mainly to less receipts from agricultural farms, public gardens and the Veterinary and Stallion Departments. It is anticipated that the income will be restored in 1912-13.

**XXIII—Stationery and Printing.**—The revised estimate for 1911-12 shows an increase of Rs. 34,000 over the budget estimate for the year, due to increased receipts under "Cost of printing work executed for Public Departments by Jail Presses" and on account of the supply to public offices of jail-made paper. The increase in printing work has been occasioned by the introduction of the new forms prescribed by the Civil Procedure Code. The same causes account for the further increase of Rs. 22,000 in the budget estimate for 1912-13.

**XXV—Miscellaneous.**—The decrease in the budget estimate for 1912-13 is due to the fact that the revised estimate for 1911-12 includes certain special items on account of sales of nazul buildings.

**XXIX—Irrigation—Major Works.**—The revised estimate for 1911-12 as compared with the sanctioned budget estimate for that year shows—

- (a) Direct receipts, Civil, more by Rs. 64,000. The increase is accounted for by the fact that the projected abolition of owners' rate has not been effected in one of the areas commanded by the Lower Chenab Canal. The increase is partly counter-balanced by a decrease in Lyallpur due to an over-estimate.
- (b) Direct receipts, Public Works Department, more by Rs. 14,98,000, due to an increase in the irrigated area on the Upper Bari Doab, Sirhind, Lower Chenab and Indus irrigation canals and to an extension of irrigation consequent on the failure of the monsoon rains of 1911-12.

- (c) Portion of land revenue due to irrigation, more by Rs. 14,98,000. The increase is anticipated on the Western Jumna and Lower Chenab Canals. In the case of the former the raising of the estimate is based on a consideration of last year's receipts and in the case of the latter the increase is due to the enhancement of rates on the Jhang and Gugera Branches. The figure adopted further includes a more accurate estimate of the credits on account of interest on the sale-proceeds of waste lands.

The figures adopted for the budget estimate of 1912-13 differ from those of the revised estimate of 1911-12 as follows:—

- (a) Direct receipts, Civil, less by Rs. 73,000, due to reassessments in the Lyallpur district and the consequent abolition of owners' rate, involving a transfer of revenue from the Civil to the Public Works Department section of the budget.
- (b) Direct receipts of the Public Works Department, less by Rs. 7,34,000. The estimate is based on the assumption of normal conditions in 1912-13 and on the absence of the abnormal demand for irrigation which occurred in 1911-12.
- (c) Portion of land revenue due to irrigation, more by Rs. 1,50,000, due to an anticipated increase of receipts from land revenue in villages commanded by the Jhang and Gugera Branches.

*XXXI—Civil Works.*—The revised estimate for 1911-12 shows an increase of Rs. 65,000 on the sanctioned budget for the year chiefly made up of certain abnormal items on account of sale-proceeds of properties in Gujrat. The budget estimate for 1912-13 is lower than the revised estimate by Rs. 64,000, the decrease occurring mainly under Sales of Land and Houses, which is necessarily a fluctuating head.

*VI—Provincial rates—*

*XXII—Receipts in aid of superannuation—*

*XXX—Minor Works and Navigation —*

} call for no special remarks.

## EXPENDITURE.

*3—Land Revenue.*—The revised estimate for 1911-12 shows an increase over the original estimate for the year of Rs. 31,000 accounted for by several variations. Rupees 91,000 have been added to provide for the Royal bonus of half a month's pay to Government servants drawing Rs. 50 per mensem or less which was announced at the Delhi Darbar. Rupees 63,000 have been added under charges of district administration. The latter item is due to the fact that leave allowances and travelling allowances of sub-divisional establishments were under-estimated and the provision originally made for contingencies was insufficient. On the other hand, savings of Rs. 41,000 are anticipated under Survey and Settlement and of Rs. 83,000 under Land Records establishment, the latter decrease being due to less expenditure on patwari's charges and in the case of the superintending establishment to officers on lower rates of pay having been employed than was provided for in the budget. The provision for patwarkhanas has been reduced by Rs. 30,000. Other variations are unimportant.

The budget for 1912-13 shows an increase of Rs. 2,46,000 over the revised after excluding from the latter the special bonus item. The increase is chiefly under Survey and Settlement (Rs. 1,68,000) and is due to the fact that a large number of resettlements will be in progress throughout the year. Provision has been made (Rs. 28,000) for an increase in the pay of certain appoint-

ments in the Punjab Commission (half of the total cost is debitable to Land Revenue and half to Law and Justice). The remainder is accounted for by a number of small items of fresh expenditure representing in most cases the normal rate of growth under this head.

6—*Stamps*.—The revised estimate for 1911-12 shows a small decrease of Rs. 8,000 on the sanctioned estimate for the year, based on the actual progress of expenditure. The budget estimate for 1912-13 provides for an increase of Rs. 7,000 over the revised estimate, chiefly under discount heads and consequent on the anticipated increase of receipts from the sale of stamps.

7—*Excise*.—The revised estimate of 1911-12 differs very slightly from the sanctioned estimate of the year, the variation being based on the actual expenditure incurred up to date. The budget estimate for 1912-13 provides for an increase of Rs. 10,000 on the revised estimate made up of special provision for temporary Detective Establishment and increased provision for rewards and contingencies.

11—*Forest*.—The revised estimate provides for a slight decrease on the sanctioned estimate of the year based on the rate of expenditure up to date. The budget estimate for 1912-13 shows an increase of Rs. 29,000 over the revised, due to the fact that Provincial Service officers will draw throughout the year the higher rates of pay secured by the reorganisation scheme which was introduced in 1911-12, to the Ranger's cadre being less depleted than has been the case for some years past, and to a provision of Rs. 9,000 for expenditure on buildings.

12—*Registration*.—The budget estimate for 1912-13 shows a small increase over the revised estimate for 1911-12, due to provision having been made for increasing the pay of Registrars' Muharrirs.

13—*Interest on Ordinary Debt*.—The increase of Rs. 14,000 in the revised estimate of 1911-12 is due to the very large grants of takkavi which were required as a result of the failure of the kharif harvest in 1911-12, to further grants of house building advances to the poorer inhabitants of Dera Ghazi Khan, to the grant in 1911-12 of the greater part of a large loan to the Delhi Municipality, and other special advances. The further increase of Rs. 17,000 in the budget is due to the Delhi loan being fully taken up and to the fact that the Delhi loan and other special advances granted in 1911-12 will be outstanding throughout the year. Provision has also been made for the grant in 1912-13 of a loan of Rs. 60,000 to the Dera Ghazi Khan District Board.

18—*General Administration*.—The revised estimate of 1911-12 shows an increase of Rs. 1,32,000 over the original estimate for the year due to a number of variations. Expenditure on the Darbar was under-estimated owing to the fact that at the time the original estimates were prepared sufficient information was not available as to the arrangements to be made, and Rs. 1,58,000 have been added to provide for expenditure on camps, illumination of public buildings, and the purchase of nickel medallions for distribution to school children, &c. Rupees 3,000 have been added for the Royal bonus. On the other hand, there is a decrease of Rs. 29,000 round under the minor head "Commissioners," due to savings of Rs. 18,600 under Salaries, an over-estimate having occurred in leave allowances; due also to the fact that a sum of Rs. 9,500 provided for a motor-car for the Commissioner of Delhi has not been utilised, the proposal to provide certain high officials with motor-cars at Government expense having been abandoned. There has also been a saving of Rs. 8,000 under Civil Office of Account and Audit due to a junior officer having been appointed Examiner of Local Funds. The absence of the Lieutenant-Governor on leave led to an increase in expenditure of Rs. 6,000 and extensive touring by the Lieutenant-Governor to an increase of Rs. 8,000. Other variations are unimportant.

The budget for 1912-13 shows a decrease of Rs. 1,81,000 as compared with the revised estimate for 1911-12, due to the absence of the special Darbar expenditure, partly counterbalanced by a special provision of Rs. 50,000 for the replacement of tents, &c., destroyed by fire at the Darbar. Other variations are a decrease of Rs. 6,000 under the Lieutenant-Governor's salary owing to the absence of the special circumstances of the current year, an increase of Rs. 5,000 under "Civil Office of Account and Audit" to provide for an increase to the permanent establishment of the Examiner of Local Funds' office and for increased expenditure on travelling allowance, enhanced rates having been sanctioned by the Government of India for the Audit staff; and an increase of Rs. 12,000 under "Commissioners" to provide for leave allowances and for purchase of tents. Other variations are unimportant.

*19 A.—Law and Justice—Courts of Law.*—The revised estimate of 1911-12 shows an increase of Rs. 73,000 over the sanctioned estimate for the year.

Rupees 29,000 have been added to provide for the Royal bonus, and there are increases under "Divisional and District Courts" and under "Criminal Courts" due to leave arrangements the cost of which was under-estimated.

The budget for 1912-13 shows an increase of Rs. 78,000 over the revised due to a provision of Rs. 28,000 having been made for the appointment of District and Sessions Judges, and to a provision of Rs. 28,000 having been made for the increase in the pay of members of the Punjab Commission referred to in the paragraph relating to "3—Land Revenue." The remainder is accounted for by larger provision having been made for leave allowances and for the increase in the pay of the Assistant Government Advocate which was sanctioned during 1911-12. The budget for 1912-13 provides for the retention in the Chief Court of a sixth Judge for the whole year and of a seventh Judge for five months.

*19 B.—Law and Justice—Jails.*—The revised estimate for 1911-12 shows an increase of Rs. 49,000 over the original estimate for the year. The Royal bonus accounts for Rs. 9,000 of the increase, and the remainder is due almost entirely to larger purchases of raw material and other expenditure on jail factories. The budget estimate for 1912-13 shows a further increase of Rs. 15,000 over the revised after excluding the special bonus item from the latter. The increase is mainly due to provision having been made for increasing the pay of the Superintendent and subordinate establishment of the Lahore District Jail on its conversion into a Central Jail. There is also a slight increase under jail manufactures.

*20—Police.*—The revised estimate for 1911-12 shows a decrease over the original budget estimate of Rs. 4,08,000. This is mainly accounted for by the omission of the sum of Rs. 5,22,000 which was added to the budget for budget purposes in connection with the introduction of the scheme for provincialising municipal police. On the other hand, Rs. 1,12,000 have been added to provide for the Royal bonus. Other variations are unimportant.

The budget estimate for 1912-13 shows an increase of Rs. 91,000 over the revised after excluding from the latter the special item on account of the Royal bonus. This to a large extent represents the normal growth of expenditure under this head due to the fact that the scale of police recommended for the Province by the Police Commission is being gradually worked up to. The increase is also accounted for by a special item of Rs. 5,000 entered for the purchase of uniform and accoutrements for the Border Military Police and by an addition of Rs. 10,000 round to meet the cost of certain fresh charges on account of Railway Police, *viz.*, policing the Delhi Railway Station, the Hodal-Delhi Section of the Agra-Delhi Chord Line, and the Jakhul-Hissar extension of the North-Western Railway.

**22—Education.**—The revised shows a decrease of Rs. 3,43,000 over the original budget. This is mainly accounted for by the fact that out of the 4 lakhs of the special Imperial non-recurring grant of 9 lakhs which were provided for expenditure in 1911-12 under this head more than 2 lakhs were transferred to 45—*Civil Works* to meet the cost of buildings to be erected by the Public Works Department. The Lawrence Memorial School has not been provincialised during the current year, and this accounts for a further decrease of Rs. 50,000. Further the progress of expenditure indicates that the portion of the Imperial grant for the improvement of education remaining in this section of the budget will not be fully utilised in the current year. There are other unimportant variations based on actual expenditure up to date.

The budget for 1912-13 shows an increase of Rs. 5,24,000 over the revised. Provision has been made for the provincialisation of the Lawrence Memorial Asylum (Rs. 50,000) and Rs. 2,00,000, being part of the balance of the Imperial grant of 9 lakhs, have been entered for expenditure on building grants. Provision has been made for the appointment of an additional Professor of English in the Government College, Lahore (Rs. 3,188), for the purchase of astronomical equipment for the Government College (Rs. 8,000), for the revision of the Provincial Educational Service (Rs. 15,000), for the revision of the Subordinate Educational Service (Rs. 20,000), and for introducing a new system of grants-in-aid to District Boards to enable the pay of primary school teachers to be raised (Rs. 80,000).

Part of this expenditure will be met from the recurring assignment of Rs. 3,50,000 which has been allotted to the Punjab out of the special annual grant of 50 lakhs for education announced at the Coronation Darbar. The remainder of the increase in the budget of 1912-13 is accounted for by provision having been made for further expenditure to be met from the assignment of 3½ lakhs. The objects to which it will be devoted have not yet been decided. Other variations are unimportant.

**24—Medical.**—The revised estimate for 1911-12 provides for a decrease of Rs. 2,02,000 on the original estimate of the year, due to a large number of variations. Provision was made in the original estimate for the addition of an enteric ward to the Walker Hospital at Simla (Rs. 50,000) and for additions to the Ripon Hospital at Simla (Rs. 15,000). The former item has been omitted as the Government of India have agreed to bear the charge, and expenditure on the latter work has been postponed to 1912-13. Rupees 1 lakh, being the amount of the grant made to the Amritsar municipality for certain sanitary works, have been transferred to 45—*Civil Works in charge of civil officers*, to which head contributions to municipalities for such works are required by rule to be debited. There are considerable savings due to smaller expenditure on plague and to a decrease in charges for scholarships and prizes. On the other hand, Rs. 26,000 have been added to the revised estimate by transfer from 32—*Miscellaneous* on account of rewards paid to villages in the Chenab Colony for sanitary improvements and Rs. 50,000 have been added on account of a building grant made to the Northern India School of Medicine for Women.

The budget for 1912-13 shows an increase over the revised estimate for 1911-12 of Rs. 9,75,000. This is mainly accounted for by the fact that while the revised estimate includes only Rs. 6,35,000 for expenditure from Imperial assignments for the Central Research Institute and for sanitation, the budget estimate for 1912-13 includes expenditure, also from Imperial assignments, of Rs. 14,82,000 on the same objects. Apart from these special items the increase in the budget for 1912-13 over the revised amounts to Rs. 1,28,000, accounted for by a number of variations. Provision has been made (Rs. 10,000) for additions to the Ripon Hospital at Simla, for the grant of house-rent allowances to Sub-Assistant Surgeons, for increased expenditure on plague measures and on salaries of establishment.

26—*Scientific and other Minor Departments.*—The revised estimate of 1911-12 shows a decrease of Rs. 16,000 on the original estimate for the year. This is accounted for mainly by savings of Rs. 25,000 under the sub-head *Subordinate Staff and Agricultural Experiments* counterbalanced by a number of minor variations which do not call for special mention. Rupees 6,000 have been added for the Royal bonus.

The budget for 1912-13 provides for an increase of Rs. 3,15,000 over the revised estimate of 1911-12, which is mainly accounted for by provision having been made for utilising under this head part of the special assignment of 4 lakhs made by the Government of India for agriculture and allied objects.

The most important of the special items for which specific provision has been made are—

	Rs.
Equipment of the Veterinary College ...	1,00,000
Improvement of the Minto Park at Lahore ...	20,000

Provision has also been made for increased expenditure on purchase of serum and other Veterinary charges including the revision of the establishment of the Veterinary College (Rs. 20,000), on grants to the Salvation Army for the institutions for the reclamation of criminals, on gazetteers and agricultural experiments.

29—*Superannuation.*—The revised estimate of 1911-12 shows an increase over the budget for that year of Rs. 48,000. The estimate is based on the rate of expenditure recorded in the current year.

The budget for 1912-13 provides for an increase of Rs. 1,09,000 over the revised estimate of 1911-12. The question of the increases is fully dealt with in Part I.

30—*Stationery and Printing.*—The revised estimate of 1911-12 shows an increase of Rs. 55,000 over the original estimate. This is accounted for largely by the fact that the expenditure involved by the transfer to the *Civil and Military Gazette* Press of work connected with the storage and despatch of forms was not estimated for. The increase is otherwise due to revision of forms under the Civil Procedure Code involving increased expenditure in jail presses and on paper purchased in the country. The budget is less than the revised by Rs. 6,000. The variation calls for no remark.

32—*Miscellaneous.*—The revised shows a decrease of Rs. 25,000, due almost entirely to the fact that during the year charges on account of rewards granted for sanitation to villages in the Chenab Colony have been transferred to 24—*Medical*. The original estimate provided for the expenditure being debited to this head.

The budget for 1912-13 shows an increase of Rs. 1,35,000 over the revised, due mainly to Rs. 50,000 having been provided for *Miscellaneous* and *Unforeseen Charges* and to a provision of Rs. 60,000 having been made for increasing the pay of clerks drawing pay of Rs. 30 per mensem and less. The balance of the increase is accounted for by additional charges for petty establishment chiefly in copying agencies.

42—*Irrigation Major Works.*—The revised estimate of 1911-12 shows an increase over the original estimate of Rs. 9,54,000 under *Working Expenses* and of Rs. 46,000 under *Interest on Debt*. The former is due to a general rise in the rates of labour and also to the acceleration of work on the Western Jumna, Lower Chenab and Lower Jhelum Canals in accordance with the policy of expanding works in time of scarcity. Special arrangements were made to extend work on the canals in question in order to provide employment for labourers affected by the failure of the monsoon. The budget for 1912-13

shows a decrease as compared with the revised of Rs. 8,14,000 under Working Expenses due to a return to normal conditions, and an increase of Rs. 5,40,000 under Interest on Debt which must continue to increase until the canals under construction are completed.

43—*Minor Works and Navigation.*—In the case of works carried out by Public Works officers the revised estimate of 1911-12 shows an increase of Rs. 20,000 due to expenditure in connection with the construction of a storage reservoir at Kach in the valley of the river Jumna.

The budget for 1912-13 compared with the revised shows a decrease of Rs. 36,000 due to absence of provision for storage reservoirs.

45—*Civil Works.*—In the case of *Civil Works in charge of Civil Officers* the revised estimate shows a decrease of Rs. 8,47,000, which is chiefly due to the fact that the original estimate included Rs. 10,00,000 for the payment of the Imperial and Provincial contributions to the Simla Improvement Schemes. It has since been decided that expenditure on the schemes is to be classed under *Civil Works in charge of Public Works Officers*, and the whole provision has consequently been omitted from the revised estimate. One lakh has been added to the revised estimate for additional contributions to District Boards for feeder roads, and one lakh by transfer from 24—*Medical* for a contribution made to the Amritsar municipality for sanitary works.

The budget estimate for 1912-13 shows a decrease of Rs. 1,26,000 on the revised estimate of 1911-12. This is accounted for by the absence of the special provision for the grant to the Amritsar municipality and by a number of unimportant variations. The estimate includes 1 lakh for Dera Ghazi Khan against Rs. 70,000 in the revised.

As regards Civil Works in charge of Public Works Officers the revised shows a decrease of Rs. 7,98,000 over the budget for 1911-12 due to a large number of variations. Rupees 5,00,000 were added during the year to this section of the budget for the Simla schemes, but some portion of this will probably lapse owing to delay in the placing of contracts for machinery in England. The sum of 5 lakhs provided for a new Secretariat has not been utilised. Further when it was feared that there would be a complete failure of the monsoon, works were suspended under the orders of Government, and though the restrictions were withdrawn when prospects improved, the delay involved made it impossible for grants to be fully utilised, and there will be considerable lapses on this account.

The budget for 1912-13 shows an increase of Rs. 28,05,000 over the revised. This is due to the fact that the improvement of the provincial finances has made it possible to allot liberal grants to Heads of Departments for the execution of ordinary departmental works which have long been awaiting provision of funds and also to the fact that for the same reason it has been possible to allot funds for important special works of which the following deserve particular mention :—

	Rs.
(1) Hindustan-Tibet Road ... ..	50,000
(2) Construction of a new sub-jail at Amritsar ... ..	69,474
(3) Conversion of Lahore District Jail into a Central Jail ... ..	2,00,000
(4) New Biology and Physics Laboratory for the Government College, Lahore. (Of the cost of this laboratory one lakh will be provided from the Imperial grant of 9 lakhs) ... ..	2,20,103
(5) Civil dispensary at Dharmsala ... ..	45,000
(6) Punjab Vaccine Institute ... ..	38,000
(7) Civil Surgeon's office at Dharmsala ... ..	10,269
(8) Civil Surgeon's bungalow at Dharmsala ... ..	10,000



(9)	Punjab Veterinary College building	...	2,00,000*
(10)	Wheat elevator at Lyallpur	...	2,00,000
(11)	New Secretariat building	...	4,00,000
(12)	Converting railway into road bridge over the Beas	...	2,50,000
(13)	Converting railway into road bridge over the Sutlej	...	2,50,000
(14)	Bridge over the Ravi at Lahore	...	2,00,000

In addition 4½ lakhs have been allotted for the Simla Hydro-Electric Scheme out of the balance of the Imperial and Provincial contributions to that project, and 5 lakhs have been allotted for the King Edward Memorial, also from an Imperial assignment received in 1910-11. Three lakhs have been provided for expenditure on educational buildings out of the non-recurring assignment of 9 lakhs from Imperial revenues received in 1910-11.

1—Refunds and Drawbacks—	} call for no special remarks.
2—Assignments and Compensations—	
10—Assessed Taxes—	
30—Reduction or avoidance of debt—	

**Balances.**—The sanctioned estimates for the current year anticipated a closing balance of Rs. 49,58,000, or Rs. 39,58,000 in excess of the minimum balance of Rs. 10,00,000 prescribed by the Government of India. This excess included 12½ lakhs of special assignments received from the Government of India, viz. —

	Lakhs.
For the King Edward Memorial...	... 5
For sanitation ...	... 2½
For education ...	... 5

So the balance available for expenditure was estimated at Rs. 27,08,000. Owing to an improvement of Rs. 7,33,000 in the actual opening balance of the year and of Rs. 22,90,000 in the income and to a reduction in expenditure of Rs. 17,23,000 the revised estimate now anticipates a closing balance of Rs. 97,04,000. This sum includes the following amounts ear-marked for special purposes :—

	Lakhs.
Simla Extension Scheme	... 5
From grants of 1910-11. { King Edward Memorial	... 5
{ Education	... 7
{ Sanitation	... 2·5
From grants of 1911-12. { Central Research Institute	... 6
{ Agriculture, Veterinary and Forest	4
{ Objects.	
{ Sanitation	... 6·17
Total	... 35·67

It is anticipated that all but 1½ lakhs of the above amounts will be expended in the coming year. After deducting this sum and the prescribed minimum balance from the estimated closing balance of 1912-13, viz., Rs. 67,80,000, there remains a reserve of Rs. 56,30,000 which has been accumulated mainly from sales of land and will be carried forward for future expenditure.

*The 12th March 1912.*

R. A. MANT.

\*The cost of this building will be met from the special assignment of 4 lakhs given for Agriculture, Veterinary and Forest Objects.

## APPENDIX II.

## Revised Financial Statement 1912-13.

NOTE.—The Revised Financial Statement differs in the following respects from the Draft Statement supplied to Hon'ble Members on the 6th March 1912 :—

## Revised Estimates, 1911-12.

## RECEIPTS.

			RAISED (+) OR REDUCED (—) BY Rs.
I.—Land Revenue	...	{ Proper	... + 13,82,000
	...	{ Assignments	... + 25,000
IV.—Stamps	...	...	... + 25,000
V.—Excise	...	...	... + 50,000
XXIX.—Irrigation Major Works (Portion of land revenue due to irrigation)	...	...	... — 1,32,000
Net total			... + 13,50,000

## EXPENDITURE.

24—Medical	...	...	... — 1,50,000
45—Civil Works (Civil)	...	...	... + 1,00,000
Net total			... — 50,000

The increase under *Civil Works* is merely due to a transfer of funds from the *Medical* head as it has been decided that a grant made to the Amritsar municipality for drainage works should be brought to account under the Minor head *Contributions*, which falls under the Major head 45—*Civil Works*.

The other changes in the Revised Estimates have been made in the light of eleven months' actuals, the most important being the addition of Rs. 12,50,000 on account of sales of Government estates, which forms the greater part of the increase under I.—*Land Revenue*.

No change has been made in the Budget figures.

The net result of the above modifications is to raise the estimated closing balance on 31st March 1913 from Rs. 53,80,000 to Rs. 67,80,000.

## DRAFT FINANCIAL STATEMENT SHOWING FIGURES UNDER MAJOR HEADS

AS PROVISIONALLY APPROVED BY THE GOVERNMENT

Budget heads.	Actuals, 1910-11.	San- ctioned budget estimate, 1911-12.	Revised estimate, 1911-12.	Budget estimate, 1912-13.
	Rs.	Rs.	Rs.	Rs.
Opening balance ... ..	27,76	62,42	69,75	97,04
<i>Provincial Revenue and Receipts.</i>				
I—Land Revenue { Proper ... ..	98,69	1,52,31	1,40,56	1,45,66
{ Assignments—vide Appendix A. ... ..	97,95	20,07	36,94	22,94
IV—Stamps ... ..	24,46	25,75	26,00	26,50
V—Excise ... ..	28,47	29,00	31,50	31,75
VI—Provincial Rates ... ..	25	25	30	25
VIII—Assessed Taxes { Civil ... ..	7,51	7,92	7,81	8,03
{ Public Works ... ..	...	29	29	29
IX—Forest ... ..	6,09	12,26	14,00	13,91
X—Registration ... ..	3,00	3,04	3,09	3,13
XII—Interest ... ..	2,88	2,90	2,70	3,00
XVII—Law and Justice—Courts of Law ... ..	4,36	4,25	4,38	4,38
XVIII—Law and Justice—Jails ... ..	2,82	2,64	3,35	3,43
XVII—Police ... ..	5,61	5,61	1,68	1,56
XIX—Education ... ..	3,73	3,87	3,98	4,21
XX—Medical ... ..	50	46	49	48
XXI—Scientific and other Minor Departments ... ..	1,09	1,20	99	1,20
XXII—Receipts in aid of superannuation ... ..	62	65	67	67
XXIII—Stationery and Printing ... ..	1,47	1,21	1,55	1,77
XXV—Miscellaneous ... ..	7,89	7,38	7,68	7,37
XXIX—Irrigation—Major Works { Direct receipts—Civil ... ..	5,84	3,24	3,56	3,20
{ Public Works ... ..	69,12	95,61	1,03,10	99,43
{ Indirect Receipts—Portion of Land Revenue due to Irrigation: ... ..	12,98	21,19	28,68	30,75
XXX—Irrigation—Minor Works and Navigation { Civil ... ..	9	11	15	16
{ Public Works ... ..	53	45	46	45
XXXI—Civil Works { Civil ... ..	3,48	4,35	4,65	4,01
{ Public Works ... ..	1,49	1,25	1,60	1,60
Total Provincial Revenue and Receipts ... ..	3,91,12	4,07,26	4,30,16	4,20,13
GRAND TOTAL INCLUDING OPENING BALANCE ... ..	4,18,88	4,69,68	4,99,91	5,17,17

## FOR THE YEARS 1910-11 TO 1912-13 (OMITTING THOUSANDS).

OF INDIA UP TO 10TH MARCH 1912.

Budget heads.				Actuals, 1910-11.	Sanction- ed budget estimate, 1911-12.	Revised estimate, 1911-12.	Budget estimate, 1912-13.
				Rs.	Rs.	Rs.	Rs.
<i>Provincial expenditure.</i>							
1—Refunds and Drawbacks	...	...	...	68	80	77	77
2—Assignments and compensations	...	...	...	34	39	39	40
3—Land Revenue	...	...	...	46,80	48,45	48,76	50,31
6—Stamps	...	...	...	81	85	81	85
7—Excise	...	...	...	84	89	88	93
10—Assessed Taxes	...	...	...	5	5	6	5
11—Forest	...	...	...	3,70	7,69	7,68	7,97
12—Registration	...	...	...	1,16	1,20	1,19	1,21
13—Interest on Ordinary Debt	...	...	...	2,16	2,06	2,20	2,37
18—General Administration	...	...	...	11,33	12,18	13,50	11,69
19 A—Law and Justice—Courts of Law	...	...	...	40,94	41,17	41,90	42,68
19 B—Law and Justice—Jails	...	...	...	11,09	11,35	11,84	11,90
20—Police	...	...	...	56,50	62,35	58,27	58,06
22—Education	...	...	...	22,84	26,82	23,39	28,63
24—Medical	...	...	...	14,20	23,77	21,75	31,50
26—Scientific and other Minor Departments	...	...	...	6,66	7,76	7,60	10,75
29—Superannuation Allowances and Pensions	...	...	...	17,57	18,24	18,72	19,81
30—Stationery and Printing	...	...	...	7,55	7,31	7,86	7,80
32—Miscellaneous	...	...	...	3,18	3,16	2,91	4,26
36—Reduction or Avoidance of Debt	...	...	...	1,40	1,40	1,40	1,40
42—Irrigation—Major Works.	{	Working Expenses—Civil...		3	...	1	1
		Ditto —Public Works		27,78	34,88	39,65	35,58
		Interest on Debt		19,43	28,14	28,38	31,03
43—Minor Works and Navigation.	{	Civil	...	19	50	51	49
		Public Works	...	62	80	100	64
45—Civil Works	{	Civil	...	10,77	19,91	11,44	10,18
		Public Works	...	40,51	57,98	59,00	78,05
Total expenditure				3,49,13	4,20,10	4,02,87	4,49,37
Closing balance				69,75	49,58	97,04	67,80
GRAND TOTAL				4,18,88	4,69,68	4,99,91	5,17,17

## STATEMENT No. I.

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

REVENUE AND RECEIPTS BY MAJOR AND MINOR HEADS.	Actuals, 1910-11.	Budget, 1911-12.	Revised, 1911-12.	Budget, 1912-13.	REMARKS.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
<i>I—Land Revenue—</i>					
Ordinary revenue ... ..	2,75,19	2,81,00	2,77,18	3,10,40	
Sale of Government estates ... ..	7,75	53,00	51,05	92,80	
Sale-proceeds of waste lands and redemption of land tax.	4,47	2,70	59	1,13	
Assessment of alienated lands less quit-rents—service commutations.	2,19	2,12	1,97	2,13	
Rents, &c., of fisheries ... ..	8	8	9	9	
Miscellaneous ... ..	8,13	8,10	7,60	6,27	
Total ... ..	2,97,81	3,47,00	3,38,48	3,52,82	
Deduct—Portion of Land Revenue due to Irrigation transferred to XXIX—Irrigation Major Works.	34,62	42,38	57,36	61,50	
Net total shared ... ..	2,63,19	3,04,62	2,81,12	2,91,32	
Deduct—Imperial share less assignments to Provincial.	66,55	1,32,24	1,03,62	1,22,72	
Provincial share plus assignments ... ..	1,96,64	1,72,38	1,77,50	1,68,60	
<i>V—Excise—</i>					
License and distillery fees and duties for the sale of liquors and drugs.	52,19	52,88	57,41	57,83	
Acreage on land cultivated with poppy ... ..	9	10	17	15	
Transit duty on excise opium ... ..	57	30	40	40	
Gain on sale-proceeds of excise opium ... ..	4,12	4,70	5,00	5,10	
Fines, confiscations and miscellaneous ... ..	— 3	2	2	2	
Total ... ..	56,94	58,00	63,00	63,50	
Deduct—Imperial share—one-half ... ..	28,47	29,00	31,50	31,75	
Provincial share—one-half ... ..	28,47	29,00	31,50	31,75	

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

REVENUE AND RECEIPTS BY MAJOR AND MINOR HEADS.	Actuals, 1910-11.	Budget, 1911-12.	Revised, 1911-12.	Budget, 1912-13.	REMARKS.
1	2	3	4	5	6
<b>IX—Forest—</b>	Rs.	Rs.	Rs.	Rs.	
I—Timber and other produce removed from the forests by Government agency.	2,23	3,30	2,86	3,69	
II—Timber and other produce removed from the forests by consumers or purchasers.	8,86	7,98	9,21	9,15	
III—Confiscated drift and waif wood ...	30	21	42	34	
IV—Revenue from forests not managed by Government.	4	2	2	2	
V—Miscellaneous ...	75	75	1,49	71	
Total ...	12,18	12,26	14,00	13,91	
Deduct—Imperial share ...	6,09	...	...	...	
Provincial share ...	6,09	12,26	14,00	13,91	
<b>X—Registration—</b>					
Fees for registering documents ...	2,22	2,25	2,30	2,34	
Fees for copies of registered documents / ...	59	60	60	60	
Miscellaneous ...	19	19	19	19	
Total ...	3,00	3,04	3,09	3,13	
<b>XII—Interest—</b>					
Interest on loans to municipal and other public corporations (excluding Presidency Corporations).	1,47	1,45	1,46	1,55	
Interest on loans to land-holders and other notabilities.	6	6	6	5	
Interest on advances to cultivators ...	1,28	1,31	1,10	1,33	
Interest on miscellaneous loans and advances	4	5	5	5	
Interest on advances to Co-operative Credit Societies.	3	3	3	2	
Total ...	2,88	2,90	2,70	3,00	

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

REVENUE AND RECEIPTS BY MAJOR AND MINOR HEADS.	Actuals, 1910-11.	Budget, 1911-12.	Revised, 1911-12.	Budget, 1912-13.	REMARKS.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
<b>XVI B—Law and Justice—Jails—</b>					
Jails ... ..	41	44	50	50	
Jail manufactures ... ..	2,41	2,20	2,85	2,93	
Total ...	2,82	2,64	3,35	3,43	
<b>XVII—Police—</b>					
Police supplied to municipal, cantonment and town funds.	4,12	4,13	4	...	
Police supplied to public departments, private companies and persons.	63	41	54	49	
Cash receipts under the Arms Act ...	1	1	...	...	
Fees, fines and forfeitures ... ..	86	87	90	88	
Superannuation receipts ... ..	1	1	2	1	
Miscellaneous ... ..	18	18	18	18	
Total ...	5,81	5,61	1,68	1,56	
<b>XIX—Education—</b>					
Fees, Government College, general ...	46	45	40	46	
Fees, schools, general ... ..	2,26	2,43	2,57	2,84	
Ditto, special ... ..	10	9	10	2	
Contributions ... ..	42	44	41	42	
Miscellaneous ... ..	49	46	50	47	
Total ...	3,73	3,87	3,98	4,21	

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

REVENUE AND RECEIPTS BY MAJOR AND MINOR HEADS.	Actuals, 1910-11.	Budget, 1911-12.	Revised, 1911-12.	Budget, 1912-13.	REMARKS.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
<b>XX—Medical—</b>					
Medical School and College fees ...	20	15	18	18	
Lunatic Asylum receipts ...	8	9	9	9	
Medicines sold by Civil Surgeons ...	1	1	1	1	
Contributions ...	2	2	...	...	
Miscellaneous ...	19	19	21	20	
<b>Total</b> ...	50	46	49	48	
<b>XXI—Scientific and other minor Departments.</b>					
Botanical and other public garden receipts ...	25	26	23	24	
Veterinary and stallion receipts ...	14	17	15	16	
Agricultural receipts including receipts on account of experimental cultivation.	34	44	25	41	
Receipts on account of public exhibitions and fairs.	33	32	33	33	
Examination fees ...	1	1	1	1	
Miscellaneous ...	2	...	1	...	
Inoculation receipts. ...	...	...	1	5	
<b>Total</b> ...	1,09	1,20	99	1,20	
<b>XXII—Receipts in aid of superannuation, retired and compassionate allowances.</b>					
Contributions for pensions and gratuities ...	62	65	67	67	



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

REVENUE AND RECEIPTS BY MAJOR AND MINOR HEADS.	Actuals, 1910-11.	Budget, 1911-12.	Revised, 1911-12.	Budget, 1912-13.	REMARKS.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
<b>XXIII—Stationery and Printing—</b>					
Stationery receipts ... ..	...	...	...	...	
Sales of gazettes and other publications ...	4	4	5	5	
Other press receipts ... ..	1,43	1,17	1,50	1,72	
Total ... ..	1,47	1,21	1,55	1,77	
<b>XXV—Miscellaneous—</b>					
Unclaimed deposits ... ..	1,00	60	60	60	
Sale-proceeds of Darbar presents ... ..	...	...	...	...	
Sale of old stores and materials ... ..	2	4	5	3	
Sales of lands and houses ... ..	45	19	49	15	
Fees for Government audit ... ..	12	10	10	11	
Contributions ... ..	3,94	3,96	4,00	3,96	
Rents ... ..	3	5	3	4	
Miscellaneous fees, fines and forfeitures ...	18	16	17	16	
Miscellaneous ... ..	2,15	2,28	2,24	2,32	
Percentage on Capital cost of furniture supplied to high officers.	...	...	...	...	
Treasure-trove ... ..	...	...	...	...	
Total ... ..	7,89	7,38	7,68	7,37	
<b>XXIX—Irrigation—Major Works—</b>					
Direct receipts { In charge of Civil Officers	15,58	6,48	7,12	6,39	
{ In charge of Public Works Officers.	1,84,31	1,91,22	2,06,20	1,98,86	
Portion of Land Revenue due to irrigation (transferred from I—Land Revenue.)	34,62	42,38	57,36	61,50	
Total ... ..	2,34,51	2,40,08	2,70,68	2,66,75	
Deduct—Imperial share ... ..	1,46,57	1,20,04	1,35,34	1,33,37	
Provincial share ... ..	87,94	1,20,04	1,35,34	1,33,38	

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

REVENUE AND RECEIPTS BY MAJOR AND MINOR HEADS.	Actuals, 1910-11.	Budget, 1911-12.	Revised, 1911-12.	Budget, 1912-13.	REMARKS.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
<i>XXX—Irrigation—Minor works and navigation—</i>					
In charge of Civil Officers ...	9	11	15	16	
In charge of Public Works Officers ...	53	45	46	45	
Total ...	62	56	61	61	
<i>XXXI—Civil works—</i>					
In charge of Civil Officers ...	3,48	4,35	4,65	4,01	
In charge of Public Works Officers ...	1,49	1,25	1,60	1,60	
Total ...	4,97	5,60	6,25	5,61	

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

EXPENDITURE BY MAJOR AND MINOR HEADS.	Actuals, 1910-11.	Budget, 1911-12.	Revised, 1911-12.	Budget, 1912-13.	REMARKS.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
<b>1—Refunds and drawbacks—</b>					
Revenuo refunds—Provincial... ..	68	80	77	77	
<b>3—Land revenue—</b>					
Charges of district administration ... ..	22,13	21,86	22,54	23,24	
Survey and settlement ... ..	8,89	9,88	9,47	11,15	
Land records and agriculture ... ..	15,64	16,50	15,76	15,84	
Allowances to district and village officers ...	14	12	8	8	
Bonus ... ..	...	...	91	...	
Total ... ..	46,80	48,45	48,76	50,31	
<b>6—Stamps—</b>					
Superintendence ... ..	21	21	21	21	
Charges for the sale of general stamps ...	62	65	65	66	
Charges on sale of court-fee stamps ...	23	25	23	25	
Discount on plain paper ... ..	8	9	8	10	
Stamp paper supplied from Central stores	49	50	45	47	
Total ... ..	1,63	1,70	1,62	1,69	
Deduct—Imperial share ... ..	82	85	81	84	
Provincial share ... ..	81	85	81	85	
<b>7—Excise—</b>					
District executive establishments ... ..	1,48	1,62	1,53	1,63	
Distilleries ... ..	21	16	23	23	
Total ... ..	1,69	1,78	1,76	1,86	
Deduct—Imperial share ... ..	85	89	88	93	
Provincial share ... ..	84	89	88	93	

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

EXPENDITURE BY MAJOR AND MINOR HEADS.	Actuals, 1910-11.	Budget, 1911-12.	Revised, 1911-12.	Budget, 1912-13.	REMARKS.
1	2	3	4	5	6
<b>10—Assessed taxes—</b>	Rs.	Rs.	Rs.	Rs.	
Collection of income tax ... ..	11	11	12	11	
Deduct—Imperial share ... ..	6	6	6	6	
Provincial share ... ..	5	5	6	5	
<b>11—Forest—</b>					
<b>A.—Conservancy and works—</b>					
I.—Timber and other produce removed from the forests by Government agency.	71	97	1,24	1,44	
II.—Timber and other produce removed from the forests by consumers or purchasers.	6	9	8	11	
III.—Confiscated drift and waif wood ...	13	6	21	16	
IV.—Revenue from forests not managed by Government.	...	...	...	...	
V.—Rent of leased forests and payments to share-holders in forests managed by Government.	39	44	44	42	
VI.—Live and dead stocks ... ..	6	11	8	7	
VII.—Communications and buildings ...	1,28	77	64	73	
VIII.—Demarcation, improvement and extension of forest.	56	59	57	72	
IX.—Miscellaneous ... ..	6	8	16	9	
Deduct—From probable savings ... ..	...	...	...	—10	
Total Conservancy and Works ... ..	3,25	3,11	3,42	3,64	
<b>B.—Establishment—</b>					
I.—Salaries ... ..	1,11	1,34	1,16	1,43	
II.—Establishments ... ..	1,84	2,00	1,86	2,01	
III.—Allowances ... ..	83	85	85	89	
IV.—Contingencies ... ..	37	39	39	40	
Deduct—Probable savings ... ..	...	...	...	—40	
Total Establishment ... ..	4,15	4,58	4,26	4,33	
Total ... ..	7,40	7,69	7,68	7,97	
Deduct—Imperial share ... ..	3,70	...	...	...	
Provincial share ... ..	3,70	7,69	7,68	7,97	
<b>12.—Registration—</b>					
District charges ... ..	1,16	1,20	1,19	1,21	

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

EXPENDITURE BY MAJOR AND MINOR HEADS.	Actuals, 1910-11.	Budget, 1911-12.	Revised, 1911-12.	Budget, 1912-13.	REMARKS.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
<b>18—General administration—</b>					
Salary of the Lieutenant-Governor ...	96	96	1,92	96	
Staff and household expenses of the Lieutenant-Governor.	53	47	55	98	
Expenditure from contract allowance ...	65	55	55	55	
Tour expenses ...	4	9	4	8	
Civil Secretariat ...	2,83	2,72	2,79	2,79	
Financial Commissioners ...	*2,63	2,51	2,47	2,45	
Commissioners ...	2,84	3,06	2,77	2,89	
Civil office of account and audit ...	76	92	84	89	
Royal Visit, Delhi Coronation Darbar ...	...	80	2,37	...	
Legislative Council ...	9	10	7	10	
Bonus ...	...	...	3	...	
<b>Total</b> ...	<b>11,33</b>	<b>12,18</b>	<b>13,50</b>	<b>11,69</b>	
<b>19 A.—Law and Justice—Courts of Law—</b>					
Chief Court ...	4,23	4,47	4,35	4,49	
Law officers ...	2,11	2,10	2,05	2,14	
Civil and Sessions Courts ...	17,09	16,95	17,20	17,72	
Courts of Small Causes ...	48	51	51	51	
Criminal Courts ...	16,47	16,61	16,90	17,26	
Refunds ...	56	53	60	56	
Bonus ...	...	...	29	...	
<b>Total</b> ...	<b>40,94</b>	<b>41,17</b>	<b>41,90</b>	<b>42,68</b>	
<b>19 B.—Law and Justice—Jails—</b>					
Jails ...	10,18	10,57	10,75	10,86	
Jail manufactures ...	91	78	1,00	1,04	
Refunds ...	...	...	...	...	
Bonus ...	...	...	9	...	
<b>Total</b> ...	<b>11,09</b>	<b>11,35</b>	<b>11,84</b>	<b>11,90</b>	

\* I includes Rs. 47 on account of Inspector-General of Stamps, Excise, &c., which post has since been abolished.

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

EXPENDITURE BY MAJOR AND MINOR HEADS.	Actuals, 1910-11.	Budget, 1911-12.	Revised, 1911-12.	Budget, 1912-13.	REMARKS.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
<b>20—Police—</b>					
Superintendence ... ..	1,93	1,81	1,88	1,64	
District executive force ... ..	44,62	53,34	48,33	48,98	
Municipal and cantonment police ... ..	3,07				
Special police ... ..	1,55	1,61	1,55	1,64	
Railway police ... ..	4,04	4,17	4,05	4,20	
Criminal Investigation Department ... ..	1,05	1,11	1,10	1,15	
Cattle-pounds ... ..	16	23	15	21	
Miscellaneous ... ..	7	7	7	7	
Refunds ... ..	1	1	2	2	
Bonus ... ..	...	...	1,12	...	
<b>Total</b> ... ..	56,50	62,35	58,27	58,06	
<b>22—Education—</b>					
University ... ..	57	57	57	57	
Direction ... ..	78	82	76	80	
Inspection ... ..	2,47	2,56	2,53	2,57	
Government colleges, general ... ..	1,81	2,86	1,87	2,05	
Government schools, general ... ..	9,07	11,08	9,15	10,57	
Government schools, special ... ..	2,68	3,11	2,63	2,74	
Grants-in-aid ... ..	4,50	4,80	4,80	6,10	
Scholarships ... ..	72	75	71	75	
Miscellaneous ... ..	23	27	23	27	
Refunds ... ..	1	...	1	1	
Lump provision for various new schemes ... ..	...	...	...	45	
Lump provision out of Coronation grant of 3½ lakhs ... ..	...	...	...	1,75	
Bonus ... ..	...	...	13	...	
<b>Total</b> ... ..	22,84	26,82	23,39	28,63	

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

EXPENDITURE BY MAJOR AND MINOR HEADS.	Actuals, 1910-11.	Budget, 1911-12.	Revised, 1911-12.	Budget, 1912-13.	REMARKS.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
<b>24—Medical—</b>					
Medical establishments ...	4,68	4,64	4,56	4,90	
Hospitals and dispensaries ...	1,66	2,34	1,79	1,91	
Sanitation and vaccination ...	1,93	10,46	8,77	18,04	
Grants for medical purposes ...	3,39	3,75	3,54	3,74	
Medical school and college ...	2,07	2,04	2,45	2,27	
Lunatic asylums ...	22	30	36	40	
Special hospitals ...	19	18	18	18	
Chemical Examiner ...	6	6	6	6	
Refunds ...	...	...	...	...	
Bonus ...	...	...	4	...	
Total ...	14,20	23,77	21,75	31,50	
<b>26—Scientific and other minor departments—</b>					
Provincial museums ...	14	11	13	11	
Imperial Institute... ..	...	1	...	1	
Agriculture ...	2,27	2,87	2,61	2,87	
Public exhibitions and fairs ...	—3	2	12	2	
Veterinary and stallion charges ...	2,50	2,73	2,72	3,21	
Botanical and other public gardens ...	82	98	94	1,13	
Emigration ...	...	...	...	...	
Inspector of Factories ...	4	5	5	5	
Gazetteers and statistical memoirs ...	5	5	5	11	
Registration of railway traffic... ..	7	8	7	8	
Provincial statistics ...	1	1	1	1	
Preservation and translation of ancient manuscripts. Examination ...	...	1	...	1	
...	2	1	2	1	
Miscellaneous ...	30	28	27	31	
Registrar, Co-operative Credit Societies ...	47	55	55	57	
Refunds ...	...	...	...	...	
Lump provision for Agriculture, &c. ...	...	...	...	2,25	
Bonus ...	...	...	6	...	
Total ...	6,66	7,76	7,60	10,75	

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

EXPENDITURE BY MAJOR AND MINOR HEADS.	Actuals, 1910-11.	Budget, 1911-12.	Revised, 1911-12.	Budget, 1912-13.	REMARKS.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
29— <i>Superannuation allowances and pensions—</i>					
<i>Superannuation and retired allowances ...</i>	16,94	17,61	18,03	19,13	
<i>Compassionate allowances ...</i>	31	29	30	30	
<i>Gratuities ...</i>	25	25	32	32	
<i>Pensions for distinguished and meritorious services.</i>	7	9	7	6	
<i>Refunds ...</i>	...	...	...	...	
Total ...	17,57	18,24	18,72	19,81	
30— <i>Stationery and Printing—</i>					
<i>Stationery purchased in the country ...</i>	1,88	1,64	2,01	1,88	
<i>Government Presses ...</i>	1,95	2,37	2,55	2,53	
<i>Printing at private presses ...</i>	57	65	58	62	
<i>Lithography ...</i>	65	55	74	79	
<i>Stationery supplied from Central stores ...</i>	2,50	2,16	1,98	1,98	
<i>Refunds ...</i>	...	...	...	...	
Total ...	7,55	7,31	7,86	7,80	
32— <i>Miscellaneous—</i>					
<i>Travelling allowances to officers attending examinations.</i>	2	1	2	2	
<i>Rewards for proficiency in Oriental Languages and allowances to Language Examination Committees.</i>	16	16	13	12	
<i>Donations for charitable purposes ...</i>	4	4	3	3	
<i>Charges on account of European vagrants</i>	4	4	4	4	
<i>Rewards for destruction of wild animals ...</i>	6	7	7	7	
<i>Petty establishment ...</i>	2,39	2,31	2,34	2,63	
<i>Special commissions of enquiry ...</i>	1	...	...	...	
<i>Irrecoverable temporary loans written off ...</i>	13	1	2	1	
<i>Miscellaneous charges for treatment of patients at Pasteur Institute, Kasauli.</i>	7	5	6	6	
<i>Contributions ...</i>	7	13	11	9	
<i>Miscellaneous and unforeseen charges ...</i>	14	29	3	54	
<i>Miscellaneous refunds ...</i>	5	5	5	5	
<i>Charges for searching of hidden treasure ...</i>	...	...	...	...	
<i>Increase in the pay of clerks ...</i>	...	...	...	60	
<i>Bonus ...</i>	...	...	1	...	
Total ...	3,18	3,16	2,91	4,26	



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

EXPENDITURE BY MAJOR AND MINOR HEADS.		Actuals, 1910-11.	Budget, 1911-12.	Revised, 1911-12.	Budget, 1912-13.	REMARKS.
		Rs.	Rs.	Rs.	Rs.	
36—Reduction or avoidance of debt	...	1,40	1,40	1,40	1,40	
42—Irrigation—Major Works—	...					
Working expenses { Civil	...	7	1	2	1	
Working expenses { Public Works	...	74,00	60,75	70,29	71,15	
Interest on debt*	...	51,81	56,29	56,75	62,15	*Not open to discussion, but the figures are shown here to secure the correct total.
Total	...	1,25,97	1,26,05	1,36,06	1,33,31	
Deduct—Imperial share	...	78,73	63,03	68,02	66,64	
Provincial share	...	47,24	63,02	68,04	66,67	
43—Irrigation—Minor works and navigation—						
In charge of Civil officers	...	10	50	51	40	
In charge of Public Works officers	...	62	80	1,00	64	
Total	...	81	1,30	1,51	1,13	
45—Civil Works—						
In charge of Civil officers	...	10,77	19,91	11,44	10,18	
In charge of Public Works officers	...	40,51	57,98	50,00	78,05	
Total	...	51,28	77,89	61,44	88,23	

## 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 10th April 1912, at 11 A.M.

## PRESENT :

His Honour Sir LOUIS WILLIAM DANE, G.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, TIWANA.

The Hon'ble Mr. CLAUD ALEXANDER BARRON, C.I.E., 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 Nawab BAHRAM KHAN.

The Hon'ble Khan Bahadur Seth ADAMJI MAMOOJI.

The Hon'ble Khan Bahadur Khawaja YUSAF SHAH.

The Hon'ble Mr. ARTHUR JAMES SCRATCHLEY, A.M.I.C.E.

The Hon'ble Mr. JAMES CURRIE.

The Hon'ble Sir HENRY PARSALL BURT, Kt., 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 Khan Bahadur Mian MUHAMMAD SHAFI.

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 Mr. REGINALD ARTHUR MANT, I.C.S.

*Khawaja Yusuf Shah; Mr. Barron; the President; Mr. Mant;  
Lala Sultan Singh.*

### QUESTIONS AND ANSWERS.

THE Hon'ble Khan Bahadur Khawaja YUSAF SHAH asked :—"Under appendix 25 to the Civil Service Regulations, Sub-Judges and Extra Assistant Commissioners classed as 1st class officers for purposes of travelling allowances are entitled to a daily allowance of Rs. 4, whereas under article 1063 of the Civil Service Regulations all officials of the 1st class, even Post Masters and clerks, such as those in the Government of India offices drawing over Rs. 500 per mensem, are entitled to Rs. 5. There seems to be no obvious reason for allowing a lower rate of daily allowance to such officers, and it is looked upon as a slur on the entire Provincial Civil Service. In view of the above and the fact that a revision of the rule in question will scarcely be felt by the exchequer, will the Government be pleased to move the Government of India with a view to a revision of entries 7 and 73 to appendix 25 of the Civil Service Regulations?"

The Hon'ble Mr. BARRON replied :—"In reply to the Hon'ble Member I would refer him to the question on this subject put in this Council in March last year by the Hon'ble Mr. SHADI LAL and the answer then given. It was then explained that the classification of officers for the purposes of the travelling allowance rules in article 1002 of the Civil Service Regulations rests on the authority of the Government of India. This classification is in force throughout India.

"In June 1911, at the instance of the Local Government the Government of India decided that Extra Assistant Commissioners in the Punjab in charge of sub-divisions having separate head-quarters, whatever be their pay, should be treated as officers of the 1st class, and thus be entitled to draw a daily travelling allowance of Rs. 4. Equality of treatment with the Provincial Services in other Provinces was thus secured.

"The Lieutenant-Governor does not consider that the fact that the Government of India have ruled that certain highly-paid departmental officers shall be granted a daily allowance of Rs. 5 when on tour casts any slur or reflection on the officers of the Provincial Service. Considerations of an entirely different nature decide the amount which it is desirable that officers belonging to the various departments of the Government service should be permitted to draw as travelling allowance.

"I may add, for the information of the Hon'ble Member, that this subject was exhaustively treated in paragraph 9 of a resolution of the Punjab Government, No. 1125, published in the Gazette as recently as the 25th October 1911.

"The Hon'ble Member's question will be submitted to the Government of India, but the Lieutenant-Governor does not consider that there is a case for special action in the Punjab."

### BUDGET, 1912-13.

HIS Honour the PRESIDENT :—"I propose to take the Budget first and Legislative business afterwards. Let us proceed with the Budget now."

The Hon'ble Mr. MANT :—"Your Honour,—The printed memorandum attached to the Budget explains that there has been no change in figures in the Revised Financial Statement from those originally presented. It is now for the Hon'ble Members, if they have anything to say, to put forward their remarks thereon."

The Hon'ble Lala SULTAN SINGH :—"Your Honour,—We must all feel very thankful that our Province has passed through the anxious time of last year's monsoon so successfully, and that prosperity continues up to the present. On behalf of the citizens of Delhi I would like again to say that the relief given to the Municipality by the remission of the Police charges is very highly

appreciated. The work also that has been undertaken on the Bela has been an unqualified success. The malaria rate during the past malarial season has been exceptionally low, and a considerable part of the city which was close to the Bela has been rendered more healthy. Playing grounds for improving the health of the young are also now being provided, and we may hope that the bad name which Delhi had for disease will soon be altogether a thing of the past. This is a most important consideration in view of the new place which has now been given to the city in Imperial concerns. It is an object lesson also how money well spent on sanitation repays itself in the well-being of the community. I could wish, Sir, that the increase under the head of sanitation budgetted this year had been larger still, and that the sanitation of our smaller towns might be rapidly taken in hand. The condition of some of them is indeed deplorable.

"I note with satisfaction that a provision has been made for increasing the pay of the lower grade clerks in Government employment.

"With regard to other items of income and expenditure, I propose to deal with two which appear to me extremely important. The first that is of Excise. The increase of income under this head year by year can only be viewed with the utmost possible alarm. It implies a very serious spread of drinking habits and even of drunkenness, and as you, Sir, have pointed out more than once, when speaking plainly on the subject, the districts where drink is on the increase are districts where crime is on the increase. I would point out that even from the side of Provincial finance this is deplorable, as crime always involves most costly expenditure on administration while dealing with offenders. With regard to the moral injury, I need hardly speak. It would be sad indeed if the Punjab came to be known as the one Province of India where drunkenness was prevalent.

"The second head on which I wish to speak is that of Education. I found great difficulty here in following through the figures which are less clear than other parts of the memorandum. The point I wish to get clear is whether the Provincial expenditure on education is increasing *apart* from the Imperial assignments. I make out, by a negative process, that the extra Provincial expenditure for the year will be 1 lakh 31 thousand; but I am not sure if this figure is correct. May I ask the Hon'ble Member in charge of Education to give us the net increase in *Provincial* expenditure on Education apart from Imperial assignments? Education appears to me to go hand in hand with sanitation as one of the two primary needs of the Province. I would venture to urge upon those in authority the need of still further increasing the Provincial expenditure under these heads. I think the new schemes for improving education which the Hon'ble Mr. GODLEY has outlined are very good, but their progress could easily be hastened by an added grant to education from the flowing Provincial coffers. I trust that no further advance will be made in the fees taken from students. I view additions to the revenue under that head with some anxiety.

"With regard to the scheme set forward for spending the very large sums of money which are coming to us from the sale of Government lands, and which cannot be considered as permanent income, I am extremely glad to see the wise experiment being tried of a grain elevator at Lyallpur. The road bridges over the Punjab rivers are also of great value to the people. I would suggest that a scheme well worthy of trial under this head would be the sinking of capital in buying congested areas in our large towns and at the same time erecting model houses, if possible, on Government land just outside the city boundaries. In certain cases some return for capital invested would come back to Government; in other cases the return might be practically *nil*. There can be no question however that the gain in health to the community would be enormous. Our cities will never be really improved until they are opened out, and this can never be effected without the command of large capital. An experiment at least might be tried in this direction in Delhi and Lahore.

*Lala Sattan Singh ; Mian Muhammad Shafi.*

"I cannot resume my seat without expressing my sense of the honour that has been done to the city of Delhi, which I represent, in being made the capital of India. The honour has also its side of regret because Delhi must inevitably become now more separated from the Punjab. I trust, however, that this will not wholly be the case, but that in many directions we shall continue to share the life of this Province. Whatever be our fate, we shall always look back with pleasure on the many interests of the last 50 years which have bound us more and more closely to the Punjab; and we shall have most grateful memories of all that the Punjab has given us of inspiration and hope.

"I would like also to add in conclusion that while I may have been able to make but little in the way of contribution to the discussions in this Council, they have been to me an education in Provincial matters of the greatest possible value. They have also made my attachment to the Province of the Punjab, in which I live, far more real to me than it ever was before. I cannot but be too thankful for these three years' experience."

The Hon'ble Khan Bahadur Mian MUHAMMAD SHAFI:—"Your Honour,—I have only a few remarks to offer in connection with the Budget debate to-day. I crave permission to offer my sincere congratulations to Your Honour's Government for the continued prosperity of this Province as evidenced by the Budget Statement. So far as the head of Education is concerned, our share of the permanent recurring grant which was announced the other day on the occasion of the Coronation Darbar is quite insufficient. With reference to that share, I wish to say a few words. As we are all aware out of the 50 lakhs granted by the Imperial Government for the encouragement of education, only 3½ lakhs have been allotted to this Province. Well, it is hardly necessary for me to say that the sum granted to us is, in view of the requirements of this Province, absolutely inadequate. But I should like to know whether any scheme was submitted to the Government of India before the final apportionment of this sum between the various Provinces by the Imperial Government, and if any such scheme was submitted asking for a specific sum, did that scheme include some scheme for the extension of elementary education. If some such scheme was submitted to the Imperial Government, then it is obvious that the claims of this Province have not been equitably considered in the apportionment of the grant of 50 lakhs between the various Provinces. There is one thing more I should like to say in connection with the final Budget Statement. I see that the Government expect to have a closing balance at the end of the next year to the amount of Rs. 67,80,000 and the opening balance of this year amounted to Rs. 97,04,000. Now, this of course is very satisfactory so far as the prosperity of the Province is concerned. But I venture to submit to the Council that the accumulation, year after year, of large balances is not sound finance; if instead of having large balances in the treasury at the end of every year we were to spend this money in bringing about necessary reforms, I think the results would be very satisfactory for this Province. With reference to these necessary reforms, I wish to offer a few observations. We know very well that the various grades of the Provincial Service as well as some grades of the Imperial Service in this Province are, as compared with similar grades of the Provincial as well as Imperial Services in the rest of India, very much under-paid. I have no doubt that the Hon'ble Members remember, for instance, that in the Imperial Council at Calcutta I put a question with regard to Munsifs in this Province as compared with those in other Provinces, and the statements furnished in reply to my question show the existing disparity in the emoluments in this Province as compared with the emoluments given in other Provinces. Similarly, I believe in the various grades of the Judicial Branch of the Imperial as well as Provincial Services our officers are under-paid as compared with the incumbents of these offices in other Provinces of India. In connection with this matter I suggest that the Provincial Government should prepare and

*Khan Bahadur Mian Muhammad Shafi; Rai Bahadur Shadi Lal.*

submit a scheme to the Government of India for sanction, so that the various officers in this Province, in various grades of the Provincial Service, as well as the Imperial Service, should be brought on a level with these officers in the other Provinces of India. These are the only remarks I have to offer in connection with the Budget."

The Hon'ble Rai Bahadur SHADI LAL :—" I congratulate the Finance Member on the prosperity Budget, the figures of which were fully explained by him in the memorandum presented to the Council at the last meeting. The improvement in our financial condition is mainly due to the new Provincial Settlement which came into force last year.

" We are obliged to Your Honour for the new arrangement for the preparation of the Financial Statement which has been very much appreciated by the non-official Members of the Finance Committee. In 1910, when the new rules came into force, the deliberations of the Finance Committee were limited to the disposal of a sum of Rs. 3,17,000. In 1911 the unallotted amount was increased to Rs. 12,12,000, and this year Rs. 45,82,000 were placed at the disposal of the Finance Committee, the Members of which were asked to advise the Government as to how this amount should be used for meeting the demands of different departments for additional expenditure. I am sure I am voicing the opinion of the non-official Members of the Council when I state that we feel that the Local Government has shown every disposition to associate the representatives of the people with the preparation of the Budget. We, the non-official Members, are here to perform certain duties. On the one hand, we are bound to place before the Government the views of the people of this Province, and watch over their interests carefully. On the other hand, we owe a duty to the Government. We know that the administration of this country is a very complex machinery and full of difficulties, and that it is not always possible for the Government officers to accept all the demands of the people. All that I can say is that in all matters coming before this Council we feel our responsibility and try to discharge our duties to the best of our abilities.

" There are a few points in the present year's Budget which call for remarks. It is a source of some satisfaction to me that the problem of increasing the salaries of the lowly-paid clerks and teachers, to which I drew Your Honour's attention two years ago, has partially been solved. The pay of the clerks getting Rs. 30 or less is going to be increased.

" I venture to state that we should now take up the case of those clerks whose salaries range between Rs. 30 and Rs. 50. As for the teachers, the increase is hardly sufficient. I cannot understand how we can improve the quality of instruction in primary schools as long as the pay of the teachers is less than the wages of an ordinary labourer.

" The question of the improvement of the pay and prospects of the members of the Provincial and Subordinate Educational Services has been under consideration for several years, and will, I hope, be decided soon. Provision has been made in the Budget to meet the additional expenditure which will be necessary when the new scheme comes into force. We are all grateful for the Royal boon of a recurring grant of 50 lakhs for education, but we may be pardoned if some of us feel that the share allotted to this Province is inadequate. I appeal to Your Honour's Government to take necessary steps to get a more equitable distribution of the grant.

" Those of us, who take interest in the judicial administration of this Province, are glad to learn that the scheme of District and Sessions Judges has been sanctioned by the Secretary of State and will come into operation as soon as the details are settled and the necessary amendments in the Punjab Courts Act are effected. But the more important reform, namely, the conversion of the Chief Court into a Chartered High Court, to which I drew the attention of this Council last year, has as yet made no progress. Among the advantages

*Rai Bahadur Shadi Lal; Rai Bahadur Hari Chand.*

which will accrue from this reform; there is one which specially appeals to the layman, and that is the enhancement of the prestige of the Province and the removal of the undeserved stigma that this Province is a backward Province. While examining the question, Your Honour must have been struck by the remarkable unanimity of opinion with which the people of the Province have supported this proposal. A very strong case, I venture to think, has been made out for the change, and an additional argument in its favour is afforded by the transfer of the seat of the Government of India to Delhi, which will, I hope, continue to be a part of the Punjab for judicial purposes.

"In connection with the Police administration there is one matter to which I beg to draw Your Honour's attention, and that is the serious outbreak of the crime of dacoity which has created a panic in some districts of this Province. It is desirable that effective measures should be adopted to put a stop to this undesirable state of affairs, and those persons who are exposed to danger should, if necessary, be allowed to keep arms to protect their person and property.

"The Royal Coronation Darbar of Their Gracious Majesties has been the outstanding feature of the closing year, and we in the Punjab felt a legitimate pride that the auspicious and unique ceremony took place in the Imperial city of this Province. It will be an act of supererogation on my part to state that the happy event has been a complete and unqualified success. The presence of Their Majesties in the midst of their people evoked an outburst of the greatest enthusiasm and devotion to the Crown which is without a parallel in the history of the British rule in India.

"Their Majesties have left behind them a message of peace and good-will for the inhabitants of this country, and it behoves the leaders of the different communities to compose the differences and bridge the gulf which unfortunately exists at present. Any measures adopted for this noble purpose will, I am sure, have the hearty approval and support of Your Honour."

The Hon'ble Rai Bahadur HARI CHAND :—"Your Honour,—The financial year that has just closed has been a prosperous one, and I desire to congratulate the Hon'ble Mr. MANT on the lucid and interesting memorandum he placed at the last meeting of this Council. The financial year that is just over has, according to the Revised Estimates, closed with a balance higher by nearly forty-seven lakhs and a half than was anticipated a year ago. This is particularly gratifying, associated as the year has been with an incident, which is as unique as it is priceless in the long annals of this country. The year has shown that India is a vital portion of the British Empire, and that its people are no less dear to His Imperial Majesty, our King Emperor and His Gracious Consort, than the people of the British Islands. As His Excellency the Viceroy, to whom we offer our most respectful welcome on his second visit to our Province, recently observed, the expression, 'a tidal wave of enthusiasm,' is a very inadequate description of the stream of loyal enthusiasm and respectful reverence which broke through every restraint and flooded the country and all classes of the population with joy and gladness at the presence of Their Most Gracious Majesties among them. And not the least memorable among the splendid pageants in connection with the Imperial visit is that unique ceremony, when the people assembled in their hundreds of thousands on the grounds of the Badshahi Mela consecrated with the associations of Yudhishtira, had *darsan* of their Emperor and Empress, seated in regal state and wearing the resplendent Crowns of India on the historic Jharoka of the Delhi Fort. Verily, the whole country from one end to the other felt thrilled at the presence of its Lord and is still throbbing with the message of Hope given by His Imperial Majesty.

"Coming to the items of the Revised Estimate, I note with grave concern the rapid increase of excise revenue in the last few years, indicating, as it does,

an increase in the consumption of alcoholic liquor. The Revised Estimates have exceeded the Budget by no less than five lakhs of rupees, and the Budget anticipates a further rise of fifty thousand for the current financial year, a sum which will possibly be exceeded. The problem appears to require the adoption of other methods than those hitherto adopted by the Government. It is doubtful whether a mere enhancement of duty will be an effectual check. A total prohibition of liquor trade is of course no remedy against the drink evil, for that will lead to illicit distillation, but I think the Government may usefully adopt some of the suggestions made by the temperance conferences and help in the propagation of temperance literature. As regards the item 'Police,' I have no doubt that the relief given to Municipalities by absolving them from Police charges has been highly appreciated by them. The question of the ownership of the Police buildings for the up-keep of which the Municipalities hitherto contributed is a point of some difficulty. I hope, however, that it will be satisfactorily and equitably settled. The decrease of three lakhs and a half in the Revised Estimates over the original Budget allotment under the head Education is hardly a matter for congratulation. I know that the decrease is really not so large owing to the transference of some two lakhs to Civil Works to meet the cost of school buildings. I think, however, that no lapse should be allowed to occur under the heads Education and Sanitation, for culture and cleanliness are the two essentials of civilised life. In this connection, I may point out that although large sums of money from the Provincial revenue have in successive years been given for drainage and other sanitary schemes to Delhi (which will now form an Imperial enclave) and to Amritsar, nothing has yet been given to my own town, Multan, which is now the third city in the Province. The low-lying swamps of Multan are a menace to health and it is time that measures were taken to improve them.

"Coming to the Budget Estimates, I find that the improvement of the Provincial finances has made it possible to allot large grants to Heads of Departments for the execution of ordinary departmental works. I have nothing to say against them, and indeed many of them are beneficial. I note, however, with pleasure the increased Budget allotments under the head Education and Medical. I trust that something will this time be done to start industrial and technical schools in the Province. There can be no doubt that we have lagged a great deal behind the other Provinces in this respect, and it is time we tried to recover our lost ground. What, however, has given me special satisfaction is the provision for a new system of grant-in-aid for the raising of the pay of the primary school teachers, for the revision of the Subordinate Educational Service, and the provision for increasing the pay of clerks drawing Rs. 30 and less. There can be no doubt that these concessions are fully deserved by these low-paid but most useful classes of public servants. I note the provision for the appointment of District and Sessions Judges. This will expedite the hearing of civil and criminal appeals, and reduce the period of under-trial prisoners in the lock-up. I wish that the opportunity were availed of for the purpose of a real reform, *viz.*, by the recruitment of the Munsifs and the Subordinate Judges from the ranks of legal practitioners. Among other items, I note an allotment of one lakh under the Civil Works for Dera Ghazi Khan. I do not know if this includes the cost of new courts at Chorutta. At present the head-quarters of that district are shifted to Chorutta, where people have built houses at great cost and sacrifice, but the courts are still at the old station. I understand that some 15,000 people have already settled at Chorutta. The present arrangement, Your Honour, causes great inconvenience to the people, and if continued, will retard the improvement of the new town and the growth of trade there. I trust that measures will early be taken for the establishment of courts there.

"The increase in the Budget allotment under Survey and Settlement expenses will, I am afraid, hardly be viewed by the people with a very light heart. The large number of resettlements which will be in progress during the



*Rai Bahadur Hari Chand ; Mr. Currie ; Sir Henry Burt.*

current year no doubt accounts for the increase. The harassment caused to the people by every new settlement is well known, and it will be a great boon if a thirty years' settlement were made an uniform rule throughout the Province. Your Honour has shown your preference for a longer period of settlement by enlarging the settlement of the Murree tahsil, and it is not too much to hope that the rule of thirty years' settlement which now obtains in the eastern districts of the Province will be adopted for the whole Province. I may point out that Sir DENNIS FITZPATRICK and the Hon'ble Mr. MACLAGAN were in favour of thirty years' settlement.

"It is a matter of gratification that the estimated closing balance on 31st March 1913, even after the provision of an increased expenditure of 28 lakhs in the Budget, will be nearly 68 lakhs. But this sum would have been even higher, if this Province were not saddled with the legitimate expenses of other Provinces. We have to pay nearly a lakh and a quarter for the North-West Frontier Province's prisoners, who are located in our jails, while the present system of debiting pensions, as has been pointed out by the Hon'ble Finance Secretary, presses heavily on this Province. I hope it will be possible to make some representations to the Government of India on these matters, and have the injustice remedied."

The Hon'ble Mr. JAMES CURRIE :—"Your Honour,—It is a great pleasure for me to take the opportunity of saying that the commercial community of this Province greatly appreciates the interest and sympathy which the Government have shown towards the commerce and industry of the Province. I hope that the Industrial Conference Committee which has been sitting may outline measures which the Government may find it possible to carry out. In allocating money for storing grain at Lyallpur the Government is taking a step which will have an increasingly beneficial effect. Originally this step was taken in Canada, where it has had the great success. I think it may be attended with greater success in this country, when it may be possible to outline the necessary measures to induce the cultivators to take grain to these elevator depôts."

The Hon'ble Sir HENRY BURT :—"Your Honour,—At the Budget discussion last year I ventured to make a few remarks about the North-Western Railway, and I propose to do the same on this occasion as I think it may prove interesting to this Council to hear what the Railway is doing generally to meet the rapid expansion of traffic which is occurring in this Province as elsewhere, both as regards passengers and goods.

"Last year I explained that during the past few years our policy had been mainly directed towards providing largely increased facilities on the open line, so that we might be able to cope with the great development of traffic which was taking place all round us, and I then gave some figures to show how large had been the sums which had been laid out for that particular purpose. That that expenditure, heavy as it has been, was more than justified, is proved by the fact that during the financial year which has just closed we were able to deal with a traffic which, under both passengers and goods, was far heavier than in any previous corresponding period, our earnings having gone up from Rs. 7.37 crores in 1910-11 to Rs. 8.17 crores in 1911-12, an increase of no less than 80 lakhs of rupees. Last year our tonnage into Karachi was also the highest on record, and up to the end of December last our heavy traffic, which included of course that connected with the Imperial Darbar at Delhi, was handled without any delay and without any complaint from the public. But having taken credit for that, I know the question which a great many people would like to put to me is this. How has it come about when on your own showing so much has been done to improve facilities for the prompt handling of traffic that there was so much congestion and delay on the Railway during the last three months? Well, Sir, the question is a

*Sir Henry Burt.*

perfectly reasonable one, and as so much has been said about the delays which certainly did occur and the inconveniences which resulted therefrom, I welcome this opportunity of saying a few words on the subject.

"I hold, Sir, that in what we have done lately to strengthen our position, ample provision was made for the expansion of our business so far as that could possibly be foreseen and gauged from past experience, and the proof of this assertion is to be found in the fact, which I specially mentioned just now, that we were able to deal satisfactorily with the large increase in our traffic which occurred prior to January.

"In January, however, entirely new and unprecedented conditions arose, conditions which could not possibly be foreseen and provided for and which were not, I believe, foreseen even by the trade. The amount of traffic offering and its trend upset all our previous calculations and forecasts, and in these circumstances we found it impossible to meet in full and without delay the sudden demands which were made upon us.

"Not only during the period in question was there an exceptionally heavy and totally unexpected export traffic, but at the same time we were called upon to handle a very heavy and urgent fodder traffic to relieve the scarcity in certain districts, and with all this we were short of coal ourselves which made it imperative to divert many of our wagons to Bengal, while the public coal traffic was by no means light. The result of it all was that an exceedingly complicated situation was created and our single lines were being worked to their fullest capacity in transporting the traffic. The position on the North-Western Railway, though never so serious, was similar to that which has obtained lately on the other principal railways in Northern India, which was fully dealt with by the President of the Railway Board in his speech in the Imperial Council on the 8th of last month.

"So far as the North-Western Railway is concerned, although the traffic is still heavy, we are now able to meet all demands without difficulty, even to supplying wagons to District Boards for the carriage of road metalling.

"Referring to the road metalling, I should just like to say that in response to the remarks which fell from you, Sir, on the subject last year, we have introduced an exceptionally low rate for that traffic which I hope will greatly assist the local authorities in improving and extending road communications. Of course the low rate cannot apply when we are busy as we have been lately, and for the information of the District Boards I should like to say that the time when we can usually give stock for this traffic is from October to December and during most of March till the export season commences.

"I hope, in what I have said about the recent congestion, I have shewn that it was entirely due to abnormal conditions, and that while we did our best to meet the situation, we cannot be charged with having fallen behind-hand in providing for such development of our traffic as could possibly be foreseen. But let me say further that the public may rest assured that with the experience of the past few months to guide us, we shall not fail to devise measures so that we may be able to deal successfully with a similar rush of traffic in future years, and after what I said last year I need not repeat now that we shall also be ready for the heavier traffic which will certainly be thrown upon us when the irrigation schemes now under construction are completed, which will necessitate, amongst other things, the doubling of many miles of single line.

"I may mention that during the present financial year we anticipate that we shall spend about Rs. 247½ lakhs on Capital account in providing increased facilities on the open line alone, which includes Rs. 142½ lakhs for additional rolling stock.

*Sir Henry Burt.*

"Although our difficulties during the past few months were by no means entirely due to a shortage of stock, as has been assumed, it may interest this Council to know, seeing how much has been said about the need for additional stock, that we are not losing sight of our requirements in that matter, and taking the position as it stood on the 1st January, we had sanctioned for the following additional stock which was either under erection or under supply or about to be indented for :—

137 engines;

362 coaching vehicles (nearly all bogies), and

2,652 goods wagons.

"In saying what I have done about the improved facilities we are providing for trade, I hope it will not be thought that we have lost sight of the needs and requirements of our passenger traffic, which, as in the case of the goods traffic, is so rapidly expanding, especially in the lower classes. Within our resources we are doing all that is possible for the greater comfort and convenience of the travelling public, especially in the matter of better and up-to-date stock for all classes. For the convenience of our Indian passengers we are providing refreshment rooms at many additional stations, and these are, I believe, greatly appreciated, and very shortly now we shall have running, as an experimental measure, a refreshment car for Indian passengers, and if that experiment is successful, more cars will be put on.

"In the remaining time at my disposal I can only refer very briefly to our construction programme for new lines.

"During the coming year our allotment for lines under construction is Rs. 53½ lakhs. Work will be actively pushed on on the Jakhal-Hissar, Bannu-Kalabagh, Serai Kala-Havelian and on the Jullundur-Hoshiarpur projects, and I hope they will all be ready for opening before the 31st March next. The Southern Punjab Railway are also pushing on with the construction of the Jullundur Doab lines connecting Phillaur and Jullundur with Ferozepore.

"One line, the Sangla Hill-Chiniot, which I referred to last year as one which I thought might be undertaken at an early date, has not, I am sorry to say, now that its financial possibilities have been carefully investigated, justified the preference I gave it. I find that the traffic it would be likely to carry would not be sufficient to warrant at present the outlay on its construction, so I have had to recommend that, for the time being, its construction should be postponed.

"Another projected line which I spoke about last year was the connection between either Amritsar or Batala and Sialkot. Detailed estimates for that line have been got out, and, as I was afraid would be the case, they show that the cost of the line would be extremely heavy. Under the circumstances we are now investigating the question as to whether the area which the proposed line would serve cannot be equally well opened out and at a far lower cost by giving up the proposed through connection and running a line from say Shahdara to Sialkot throwing out short branches where necessary. This would avoid the very heavy bridging which a direct connection between Amritsar and Sialkot entails.

"Another matter which is being looked into, in consultation with the civil authorities, is whether the projected line to Garhsbankar should start from Phagwara as originally intended or from Phillaur, that being the junction for the new line to Ferozepore. I hope this point will be settled shortly when I shall be able to make a definite recommendation regarding the construction of that line.

*Sir Henry Burt ; Seth Adamji Mamooji.*

"Then we have a survey in hand for a line from Pathankot to Nurpur, which is likely to be sufficiently paying to justify its early construction. I am sure this short extension will be welcomed by all those who have to travel beyond Pathankot.

"Then, on the suggestion of Your Honour, we are making a reconnaissance and looking into the possibilities of a line from Kalka to Baijnath, and I am also at Your Honour's suggestion considering the question of running two branches from Changa-Manga,—one to Chunian on the south and the other from Changa-Manga to the north.

"A survey is also in hand between Lakki, a station on the new Kala-bagh-Bannu, and Tank.

"That, Sir, completes all I can say about the North-Western Railway in the time at my disposal. I am afraid I have only been able to present to this Council a very hurried and somewhat cursory review of what this administration is doing to provide efficient transportation for our rapidly increasing traffic, but I hope I have said sufficient to show that, as far as it is possible to do so, we are endeavouring to meet the requirements of the situation." (Applause !)

The Hon'ble Khan Bahadur Seth ADAMJI MAMOOJI :—"Your Honour,—In my speech last year I was able to offer my congratulations on the prosperous Budget which was then being presented. There is a greater cause for congratulation in the fact that the Revised Budget for 1911-12 showed that the year was even more prosperous than originally anticipated ; and this too in view of the very adverse circumstances which had to be faced owing to the prolonged drought consequent on the failure of the usual monsoon rains in July and August. The time was a very anxious one, but by the grace of Providence the situation was relieved by the excellent rains of September last. At the same time we had to face a fodder famine which, in view of the large agricultural live-stock of this Province, became a matter of serious concern. But this calamity too was to a very large extent relieved by Your Honour's sympathy and thoughtfulness in obtaining the sanction of the Imperial Government to the grant of special concession rates for the carriage of fodder by rail to localities where the stress was most acute. The excellent rains of September last allowed of very extensive sowings for the rabi crop, and although the winter rains have also been less than normal, the prospects of a rabi harvest equal to if not above the average are, I hope, assured. I venture to offer my congratulations on the very hopeful outlook as shown in the Budget for 1912-13 of the anticipated revenue, each head of which has received the most careful consideration of the Hon'ble Members in charge of the same. The income heads of the Budget excepting one need no comment. The rapid rise in Excise revenue in the last few years is a matter of serious consideration. Whether it is due to an increased prosperity or to good harvests, it shows unmistakeably that the evil of drunkenness is on the increase. I think it would be a good thing if a representative committee be appointed to consider the whole question and devise suitable means to stop the increase in drunkenness. It may of course be not possible to make men sober or total abstainers by legislation or by regulations, but means can certainly be found whereby further spread of the evil may be stopped or at least retarded.

"As regards the expenditure side of the Budget, the provision for grants-in-aid to District Boards to enable them to raise the pay of teachers in primary schools is one which I am sure will meet with general approval throughout the Province. To these teachers is entrusted the sacred duty of laying the foundation of the mental and moral lives of our children, and the pittance heretofore paid them for such an onerous duty is scarcely that which in these days is being earned by unskilled labourers. In this connection I

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notice with pleasure the grant to the Punjab of 3½ lakhs out of the special annual grant of 50 lakhs announced at the Coronation Darbar by His Majesty the King-Emperor. As the objects to which this grant will be devoted have not been yet decided, I here venture to point out that one of the greatest needs of our Province is commercial and industrial education, a training for which the people of the Punjab are by nature inclined. This is evidenced by the efforts made by our people in the way of forming co-operative societies. The number of failures of such societies is to be regretted, but to some extent this may be attributed to the fact that the inaugurators and managers of such societies were men who lacked a sound commercial and industrial training. I could quote endless instances of failure of companies due to the inexperience of the managers and directors who could not afford to import men possessing the necessary qualifications. Industrial and commercial education then is the object for which this grant should be ear-marked. It would be a fitting commemoration of His Majesty's Coronation in this Province, and would, I am sure, give great satisfaction to Your Honour who has shown the greatest sympathy and interest in the industrial and commercial development of the Punjab. Such a measure will prove a lasting monument of Your Honour's *régime*. It is gratifying to see that the demands for improved sanitation have been ungrudgingly provided for. It is hoped that there will be a continuance of this policy year by year until such a time as the pressing sanitary needs of all our towns have been provided for. The provision of Rs. 60,000 (sixty thousand) for increasing the pay of clerks is a striking feature of the Budget. It is a boon to the pressing necessity of which I had drawn attention in previous years, and will give satisfaction to a considerable number of poor but deserving servants of Government. It is to be hoped a similar provision will in course of time be extended to all poorly-paid establishments. I notice an allotment has been made for the Simla Extension Scheme. If this provision is in favour of the summer capital of this Province, it is warranted. If there are doubts as to the continuance of Simla as the summer capital of the Punjab, it would perhaps be better to defer such expenditure till that question is finally settled.

"Now that Delhi is to be the capital of India, there is all the greater necessity and urgency for a measure of reform which I feel sure has Your Honour's sympathy, as I am confident it has the support of my colleagues in the Council. For some time past there has been a consensus of opinion in the Punjab that the Chief Court should be raised to the status of a High Court. The reasons for this change are so obvious and have so often been discussed that I think it unnecessary to reiterate them, but I trust this much-to-be-desired reform will not long be delayed. And closely associated with this is another matter which I am happy to find is engaging Your Honour's attention, and that is the partial separation of the Judicial and Executive functions. And here again public opinion in the Punjab with no uncertain voice calls for an advance in the manner in which justice is administered in this Province. The first step is to bring the Punjab in a line with other and older Provinces by introducing a scheme by which judicial officers will not be called upon to do revenue work, and will work in subordination to the Chief Court, free from the control of the executive authorities. It is gratifying to learn that before long this scheme will be found working in the Punjab, and I trust there will be no needless delay in its being put into operation as soon as possible.

"Before concluding I may be excused for once again venturing to bring to notice the general necessity for an extra bridge over the Leh river at Rawalpindi. Traffic on the road from the railway station to the city is very heavy, and the existing bridge does not provide sufficient facilities for it, with the result that there is a great deal of congestion attended with serious inconveniences. That more accidents do not occur is miraculous. I hope that Your Honour, who is personally so well acquainted with Rawalpindi and its needs, will be graciously pleased to give the matter your most kind and favourable consideration. It may be urged that the traffic on this roadway is all in the

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interests of the Municipality, and that that body should provide the necessary funds for improving existing conditions. But as Your Honour is aware that body is itself in sad financial straits, and quite unable to render any help. While on this point of the Rawalpindi Municipality I am reminded again of the question of communal representation on this Municipal Committee. I have put forward this point for the last two years, and now feel constrained to urge it once again. When I spoke last year, out of the 14 elected members of this Municipal Committee, only five were Muhammadans. Since then the period of membership of one Muhammadan expired. The result of the poll to fill this vacancy was the election of a non-Muslim. The great majority of the residents of the ward in which the vacancy occurred were Muhammadans, but alas! they were too poor and uninfluential to assert themselves, and consequently the membership of their ward has passed out of their hands. If the present conditions of election are continued, it does not need much calculation to arrive at the fact that in the near future there will be no such thing as Muhammadan representation on the membership of the Rawalpindi Municipal Committee. In this connection I may mention that the non-official nomination seats have become the monopoly of one community, and the Muhammadan community is conspicuous by its absence. This question is therefore one to which Your Honour's kind attention is invited as the rich and poor equally contribute to municipal finances according to their status irrespective of caste or creed. The comparative poverty of the Muhammadans should not be a bar to their due representation on the committee according to their numerical strength.]

"Before resuming my seat, I avail myself of this opportunity of tendering my hearty congratulations to Your Honour for the great success achieved by the Punjab in the successful termination of the Badshahi Mela organized by Your Honour. It was a scene which was witnessed by their Imperial Majesties from the balcony of the Diwan-i-Khas of the Lal Qilla and was a source of delight to millions of their humble and loyal subjects. Congratulations are also due to the Province over which Your Honour rules for the selection of a town in that Province as the Imperial capital of His Majesty's Indian Empire. The graciousness displayed by Their Imperial Majesties in visiting India and in allowing their Indian subjects to witness the solemnity of their Coronation has rivetted a bond of loyalty and love to the Imperial throne which by the grace of God will prove to be everlasting."

The Hon'ble Sayad MEHDI SHAH spoke in Urdu, a translation of which is as follows:—"Your Honour,—I remember that last year also on this occasion of the Budget debate I spoke about the reduced rates of freight and the materials required for the roads in the colonies. But the way in which the Railway Department has given that concession a practical shape is such that owing to scarcity of labourers at the time when they are needed and to the lack of means of conveyance—which are at that time required for agricultural work—the District Boards and the Public Works Department cannot benefit therefrom. The Punjab colonies are now renowned, not only in India, but in the whole of the world, and they have not only got a high name, but have also made progress beyond expectations. Besides, it has also to be admitted that the Government have had beyond their expectations larger receipts out of them than from other districts. Our country is very particular about customs and usages, and if a custom or usage obtains in any place, our countrymen would stick to it, no matter whether it brings them profit or loss. The districts of the Punjab do not yield much produce, nor are the carts drawn by oxen much in vogue there, nor is the ground in every district level. In the districts in which the ground is level, the zamindars cannot bear the expense of carts drawn by oxen, and in the districts in which the ground is not even, work is taken from camel, ox, mule, pony, horse, etc. But the new colonists are through the kindness of the Government in pleasant and prosperous circumstances, and *gaddas* have from the first day come to be used in the colonies, and nearly every colonist has got one, and those who have not, are owing to

their being in pleasant circumstances getting them from other places—a fact which is evidenced by the large number of new *gaddas* to be seen at the platforms of stations. Until and unless the roads are not made *pacca* (metalled); it becomes very difficult to drag the *gaddas* owing to the presence of pits in the roads, indeed only half the weight is capable of being conveyed: the *gadda* which is capable of carrying 25 maunds would in the circumstances be taking only 15 maunds, and even the necks of the oxen get wounded. It becomes difficult even for tum-tums, riders and those on foot to pass along the road. Many marks suggest that at one time river inundations have passed over where the colonies now are situated, and the earth is of the slate colour. If it remains dry for some time, there is no limit of dust which acts very injuriously on the health of men. The zamindars have to pay two annas instead of one anna per maund for carriage, or, in other words, it will require a man to carry half the weight at a time, while he could otherwise take the whole at a time. This wastes their time and money, inasmuch as the time of the zamindars becomes precious in proportion to the increase of land revenue. If the roads were metalled, not only would the colonists be the gainers, but the Railway Department would benefit much more, because at present the Railway Department has all at once to manage for a new and temporary establishment in the months of May, June and July in order to take wheat to Karachi. If the roads were metalled, the zamindars would all the year round take grain to the markets, and the Railway Department would thus be able to take work easily from its permanent establishment. As the earth of the colonies is of the slate kind, a little drought produces clouds of dust, and rain so much mud that owing to the roads being *kacha* it becomes very difficult for the carts to pass along. Therefore the zamindars are obliged to take measures to take their grain to the markets before the rainy season. If the roads were metalled, not only the zamindars, but even the Railway Department—the produce of the colonies goes to the whole of India and even foreign countries,—would be gaining at least two annas per maund. Moreover, colony is a new plant, and as it has made a rapid progress beyond expectations, it is but proper that its other sides should not be overlooked.

“Now there is another question about the committees in colony villages. The Government is going to take back the squares it had granted to the committees for their expenses. This would be a great blow to the colony committees which have only been in a position to think out plans for improvement since two years. Undoubtedly the squares had been granted only for a period of years, but in a new colony it was difficult to do the needful in so short a time; on the other hand, it is even difficult to find capable members in the colony, because the retired civilians and military men and wealthy men are exempted, and they could not leave their real residences and go there. Now some of them had begun coming there, and the committees would receive this blow. Moreover, the committees had not up till now thought that the squares would be taken back. Up to now the income of the committees had mainly depended upon the price of squares and their income, and they could not devise other means of income. Now it does not seem right that the squares should be taken away from them all at once. The committees have not been able to devise any permanent means of income other than those of house-tax, for the produce that comes to the markets goes to the foreign countries as it is. No tax, etc., can be levied thereon. If the residents are all at once burdened with more tax, they would take it as a hardship, and are ready to leave the place. The persons who have been so far trading in the colonies have been residing, by paying rent, in houses and shops. Not even one per cent. from amongst them own a house or shop. The owners of the houses and shops in the markets live in other districts. The colonies are renowned not only in India, but throughout the whole world. Similarly, it was proper that the towns in the new colonies should have been a model not only for India, but for other countries, in regard to sanitation and other necessities.

"In the end, I most respectfully request that, in view of the income, the Government may grant a special sum for metalling the roads, that the Railway Department may specially allow reduced rates for the carriage of materials required for the roads, and that the squares which are proposed to be taken back from the committees in the colonies may not be so taken or at least for a period of ten years more the committees may be allowed to benefit from them.

"On behalf of the colonists of the Chenab colony I beg to tender thanks for the elevator which it is proposed to put up in the Chenab colony."

The Hon'ble Nawab **BAHRAM KHAN** spoke in Urdu, a translation of which is as follows :— "Your Honour, — Before the passing of the Budget I crave for pardon on my rising to say a few words. The year 1911-12 has been the most blessed one, in that our gracious King-Emperor has paid a visit to India. Particularly it is a cause of great honour and happiness for the Punjab that the Coronation ceremony was performed at Delhi. This happy event will for generations remain a memorable event in the history of India. Sir, Lahore has always been annexed to the Delhi Empire in the Moghul times. The Punjab has from time to time given proof of its faithfulness to the British Crown, and has considered it a cause of pride and honour to shed its blood in its cause. I cannot help mentioning on this occasion that as a result of His Imperial Majesty's graciously transferring the seat of the Indian Government to Delhi, the Punjab feels proud and hopes to have greater influence by the presence of the Governor-General in the midst of the people of the Province. We hope that Delhi will remain, as it is, bound to the Punjab, and will not cause disappointment to our hopes, inasmuch as it was in view of the meritorious services of the Punjab that Delhi was included, and the people of the Punjab will feel honoured and proud by the inclusion of Delhi. It is only through the services of the Punjab that the Province of Baluchistan has been formed. I do not think it proper to speak more on this.

"The Agricultural College opened at Lyallpur has so far conferred no benefit on the places lying to the west of the Indus river. The condition of Dera Ghazi Khan is not a secret to Your Honour, and therefore it is but necessary that the Government should pay special attention towards it, and that the condition of the zamindars of Dera Ghazi Khan should be bettered by the grant of scholarships. Turning to the grant for the extension of education by His Majesty the King-Emperor, I, as a representative on behalf of Dera Ghazi Khan, submit that owing to the paucity of income and ruin of the town of Dera Ghazi Khan, the District Boards have not funds sufficient for the Education Department, and that in the distribution of the said grant the Government should pay special attention to the needs of Dera Ghazi Khan.

"In the end, I beg to draw Your Honour's attention to the unfortunate and afflicted town of Dera Ghazi Khan. I do not see any necessity of giving expression to the troubles and blow suffered by it because in 1910 I spoke on it in detail. Besides, Your Honour kindly condescended to go there three times and visited it, and in Your Honour's recent tour inspected its present condition. The inhabitants of Dera Ghazi Khan have after the heavy calamity built which it could not be hoped could be done in one year—and are building their houses at an expense of large sums. This is all due to Your Honour's kindness. The present civil station is not now fit to reside in, and even the houses and bungalows in which the officers lived are being pulled down, and the trees are being cut. Now there is nothing else open but that the civil station should be located in the new city as has been decided by Your Honour. The Deputy Commissioner has planned the construction of bungalows in accordance with Your Honour's wishes, and they are to be taken in hand. The money allotted for the Government buildings is not sufficient. In my opinion



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Government buildings and civil station, etc., would require seven lakhs of rupees. If Your Honour kindly sanctions this amount in the Budget, the construction of the city would be completed and the troubles removed.

"In the end, I cannot help saying that the laws that have been passed during the past two years in the Council, that has been schemed and established in Your Honour's time, are to the benefit of the public and the Government. These Councils are proceeding very wisely, and by the grace of God the public had no occasion to find fault, or to be dissatisfied, with it. It is hoped that such laws will always be passed for the country and the Government as will be for the good of the people."

The Hon'ble Sardar SUNDAR SINGH : - "Your Honour, - I must say I cannot help appreciating and expressing feelings of great pleasure on behalf of the community to which I have the honour to belong by reason of the recent visit of their Most August Imperial Majesties, the King-Emperor and the Queen-Empress, to India, particularly to the Punjab. The feelings in the community have been those of love, respect and loyal and dutiful regard towards the illustrious and august visitors. The recent visit has been a most happy and memorable event in the annals of this vast empire. As regards the increase in Excise revenue. This is mainly due to an increasing habit of intemperance amongst the Punjab peasantry a habit which is mostly to be deplored. I am sorry to confess that the members of my community are the greatest sinners, because they are the largest consumers of liquor and opium. But I think that with the new light and ideas of religion that are prevailing amongst the community this bane will very soon be eradicated, and I hope that if all the members of the communities were to throw religious prohibitions in the way of their people, this pernicious habit would go away from our country. It is doubtless a difficult task. This is all due to the backwardness of the people. I hope that with the advancement that is coming the baneful influence now to be deplored will become a thing of the past.

"I congratulate the Hon'ble the Finance Member on the prosperity Budget that has been presented in this Council. Great deal has been done in the way of giving special grants to Education and other Departments.

"It is not my habit to press the claims of the Sikh community in this Council as others have done for theirs, but I may say that Sikhs generally are not adequately represented in the civil branch of Government Service, though they are the very pride of the Military Service. I have every hope that at the hands of Your Honour's Government their case will receive due consideration. On behalf of the Sikh community I must express their hearty thanks for the favourable rules which are ordinarily passed for their requirements on the legislative anvil. I must mention the feelings of love that they feel on account of the very great interest taken and the great consideration shown towards the community by Your Honour's Government."

The Hon'ble Mr. GODLEY : - "References have been made in some of the speeches of Hon'ble Members to educational matters, and I should like to offer a few remarks in reply. The Hon'ble Mr. SULTAN SINGH is doubtful whether sufficient provision has been made from Provincial revenues for educational schemes. If the Hon'ble Member refers to the figures placed at his disposal, he will see that most of the new schemes have been provided for out of Provincial revenues, and that a distinction has been made between schemes paid for from Imperial grants and schemes paid for from Provincial revenues. If there is any point on which the Hon'ble Member is not clear, I shall be happy to go into details with him. On the whole, there is a very substantial increase in the provision from Provincial funds for education in the current year. The Hon'ble Mr. HARI CHAND asks that the whole of the educational allotment should be variably expended. However desirable this may be in theory, it would be impossible until the end of the year to ascertain how much is avail-

*Mr. Godley ; Mr. Shaf.*

able for spending. I may remind the Hon'ble Member of what I said last year, when I pointed out, in reply to a similar criticism, that expenditure can only be incurred on such educational objects as are sanctioned by Government. The Education Department has no general permission to go on spending money on any educational purpose which may happen to occur, and provisions sometimes lapse owing to appointments not being filled, or failure to obtain the sanction of the higher authorities to new schemes. Then the Hon'ble Member said that the Punjab was behind other Provinces in the matter of technical and industrial education. I should like to know on what facts and figures that statement is based. Our Medical, Veterinary and Agricultural Colleges—not to mention the Mayo School of Art and the new Engineering School at Rasul—have nothing to fear from comparison with similar technical institutions in other Provinces. We have a large number of industrial schools and pupils. A well known authority on educational and economic questions who recently visited the Punjab told me that he had never seen a finer agricultural college in the course of his travels than the College at Lyallpur.

"The Hon'ble Mr. SHAFI has expressed a desire to know whether a scheme has been submitted to the Government of India for the extension of primary education in this Province.

"I mentioned on a former occasion that such a scheme was sent in, and it may now be of interest to give an outline of the scheme, which was based on information collected from the district authorities, and afterwards revised by the Commissioners of Divisions and Inspectors of Schools in consultation. The scheme proposed, in five years, virtually to double the existing number of primary schools for boys by raising it to 6,000. This would mean an average annual addition of some 557 schools. With a proportionate increase of the training institutions and the inspecting staff, the total recurring cost of maintenance would rise from nearly ten lakhs to about twenty lakhs, and accordingly the Government of India were asked to make recurring grants rising from three lakhs in the first year to Rs. 9,80,000 in the fifth. At the same time it was pointed out that if the capital charges to be incurred on new school buildings were left to Provincial or local finance, as was implied in the letter from the Government of India, the proposed increase of schools could only be rendered possible by an enhancement of local rates.

"Turning to the question of what is immediately practicable with the funds at our disposal, the Punjab share of the Imperial grant for educational objects is Rs. 3,50,000, of which Rs. 2,00,000 are assigned for the primary education of boys. This amount, though only two-thirds of what was asked for, will enable a start to be made, and provided that a proportionate addition is made annually in the future, there is no reason why the programme, ambitious as it seems, should not be in great measure realised, if only the difficulty about buildings can be coped with. For the present money is available for primary school buildings from the Imperial grant made last year for buildings. The Lieutenant-Governor does not wish a large number of schools to be rushed into a precarious existence in advance of the supply of competent teachers, and the District Boards are being asked to open training classes and to revise the grades of pay of teachers so as to render the profession more attractive. I do not think, therefore, that we need be discouraged by the fact that the Punjab has not been treated as generously as other Provinces in respect of the grants recently made by the Government of India. What is needed is not so much a large lump grant which it is frequently difficult to spend in a hurry without waste, but a series of regular increases spread over a period of years, which may enable effect to be given to a carefully considered programme of expansion. This has not been possible hitherto. In 1904 the Punjab received a recurring grant of three lakhs for primary education, but the money was soon spent, and since that year no grant has been received for the purpose. The result was what might have

*Mr. Shafi; Mr. Barron; Mr. Diack.*

been anticipated in the absence of a considered scheme. The money was to be spent quickly, and so schools and teachers had to be improvised anyhow. It is not surprising that many of these so-called schools had only a brief existence, and that the boards found in many cases that the pace was too quick for their resources. The state of the Provincial finances, as Hon'ble Members are doubtless aware, was not such that any help could be given, so that in recent years, so far as the number of primary schools is concerned, the rate of progress has received a temporary check. But if educational progress is to be measured by figures at all, the only statistics that are of any solid value are those of attendance, and the increase in the attendance of pupils during the quinquennium which has just concluded far exceeds the increase recorded for the preceding one. I trust that this explanation will satisfy the Hon'ble Members who have spoken on the subject of education that there is no reason to be dissatisfied with the rate of educational progress."

The Hon'ble Mr. BARRON :—"I have only one remark to make, Sir, and that is with reference to the passage in the Hon'ble Mr. MUHAMMAD SHAFI'S speech in which he drew attention to the difference between the rates of pay of both the Imperial and the Provincial services in the Punjab as compared with other Provinces. The question put by the Hon'ble Member in the Imperial Council regarding the salaries of the Munsifs here and elsewhere, and the answer given to that question attracted the attention of this Government. Enquiries are being made as to the grades of officers called Munsifs in other Provinces, because the disparity in salaries was so marked that it seems probable that in other Provinces officers are styled Munsifs whom in the Punjab we would call Sub-Judges and Extra Judicial Assistant Commissioners."

The Hon'ble Mr. DIACK :—"I am entirely in agreement with the Hon'ble Mr. HARI CHAND in desiring that the usual term of settlement of a district should be 30 years. Yet to realize the difficulty of having a hard and fast rule to that effect we must consider what the words term of settlement mean. We might dispense with any term if we reverted to the system in force before British rule—of taking a share of the produce of each field as the part of the rent due to the King as Lord Paramount. If that were done, there would be no need to have periodical revisions of the amount due to the State. We would sell the grain we collected and automatically reap the benefit of any rise in price that occurs. But we have no desire to go back from the present system by which the value of the State share of the produce is commuted into cash for a term of years during which the zamindar gets the benefit of every rise in price that occurs. And as far as the increasing value of the produce is concerned, we are content, and have said that the zamindars should enjoy the rise in price for as much as 30 years, but the value of the State share of the produce may increase from other causes. The area of cultivation may be increased owing to increase or influx of population in a district which was formally under-populated. The construction of a canal may even in a fully cultivated district increase the produce per acre, and in a district not fully cultivated it will lead to an increase in the productive area. There is surely no justification for abandoning for 30 years the increase in the value of the State share due to such causes. To abandon it even for one year is a concession to the few at the expense of the community as a whole. Therefore when a settlement is finished it has to be considered whether any of these latter causes is likely to come into operation, and, if so, when or whether the district is so fully developed that the value of the State share is likely to be affected only by rise of prices. And if the former is the case, the term of settlement is re-adjusted so as to allow the zamindar the benefit of the increased produce for a reasonable time, and what is a reasonable time requires careful and particular consideration in each case. As regards the increase in expenditure this year on survey and settlement I can re-assure the Hon'ble Member. I have recently had occasion to survey the programme of expenditure on settlement for a good many years to come, and it is certain that the number of districts under settlement

*Mr. Diack ; Mr. Fenton ; Mr. Tollinton.*

will henceforward steadily diminish and with them necessarily the expenditure on survey and settlement, but in the current year part of the increased expenditure is due to a special cause, *viz.*, a rectangular survey in connection with the Lower Bari Doab Canal."

The Hon'ble Mr. FENTON:—"No less than four Hon'ble Members have referred to the increase in the Excise revenue and to the growing habits of drunkenness of which they consider the figures afford evidence. Now in various utterances on this subject Your Honour has left the public in no uncertainty as to the views of Government. The excessive indulgence in drink and the crime arising therefrom have again and again been deplored in Your Honour's speeches and in Government resolutions. But I must take exception to the assumption which the Hon'ble Members make that the increase in the Excise revenue implies a *pro tanto* increase in the evils which they deplore. All the Excise revenue has not been derived from liquors. A portion of the increase has been obtained from enhanced duties on opium and hemp drugs. Even in the case of the Excise revenue from liquors, most of the increase is obtained from enhanced license fees, and there is reason to believe that much of the additional profits which have led licensees to enhance their bids at auctions are, as I explained at the last meeting of Council, derived from the sale of bottles and water. Then the circumstance that there may be an increase of licit at the expense of illicit consumption, consequent upon the activities of an enlarged preventive establishment, should not be left out of account; and, lastly, we may regard without concern a moderate increase in consumption of liquor following naturally upon the increase in the prosperity of the agricultural classes of the Province.

"It is to be observed that of the four Hon'ble Members who have taken exception to the growth in the Excise revenue three have failed to indicate any remedy for the evils which they deplore, and the implication is that the administration of the department is at fault. The fourth, the Hon'ble Sardar Bahadur SUNDAR SINGH, rightly, it seems to me, looks for an amelioration of present conditions in the growth of new ideas fostered by education and the influences brought to bear by temperance associations. For the rest those concerned with the administration of the Excise Department will always be ready to receive from Hon'ble Members practical suggestions for remedying evils such as they now condemn.

"I am unable at the moment to reply to the remarks of the Hon'ble Sayad MEHDI SHAH regarding the resumption by Government of land granted to the committees of colony towns, but I shall at once inquire into the matter."

The Hon'ble Mr. TOLLINTON:—"The remarks made by most of the Hon'ble Members on the subject of Sanitation and Police have this year been rather more kindly than usual, but I doubt whether this can be put entirely to the credit of the Member in charge. At any rate we have made a very fair increase this year in regard to expenditure on sanitation. I notice that the Hon'ble Mr. SULTAN SINGH still expresses a wish that the expenditure on sanitation should be larger than it is. I need only call the attention of the Hon'ble Member to the fact that the actual expenditure on sanitation in 1910-11 was only Rs. 1,93,000, while in the Revised Budget Estimates for 1911 it is Rs. 8,77,000, and in the Budget Estimates for the coming year it has been put at Rs. 18,04,000. I do not think there is anything to justify any further increase on the Budget figures. Turning to what the Hon'ble Mr. HARI CHAND has said that the Government has done a good deal for Amritsar and Delhi and other places and nothing for Multan, I would remind him that perhaps now is the day of salvation, and if he can persuade his committee to mature a scheme, it may be well received by the Sanitary Board. The only other point I have to mention is an incidental one. The Hon'ble Mr. HARI CHAND has remarked that we should not spend money on other Provinces, and had instanced the expenditure on prisoners from the North-West Frontier Province. If I mistake not, this point

*Mr. Tollinton ; Mr. Mant ; Mr. Godley.*

was raised in a question in Council last year. At any rate I can assure the Hon'ble Member that the point was taken into consideration at the time of the financial statement, and it is only in the event of a large increase in prisoners from the North-West Frontier Province that we should be justified in asking for a compensatory grant."

The Hon'ble Mr. MANT:—"The speeches made to day have contained so little criticism of the proposals in the Budget that there is very little for me to answer. It is a matter for great satisfaction that those proposals have been so well received, and this result may, I think, be attributed in large measure to the altered procedure on the Finance Sub-Committee, to which the Hon'ble Rai Bahadur SHADI LAL has referred. Your Honour has steadfastly pursued the policy of giving that Committee a real share in directing the finances of the Province, and as a result of that policy the speeches delivered by non-official Members to-day have been marked by the absence of any hostile criticism and by a spirit of friendly co-operation with the Government.

"The Hon'ble Mr. GODLEY has dealt with the various points raised regarding the Education Budget, and I need only add a few remarks on one point. The Hon'ble Mr. SULTAN SINGH has raised the question of the rate of growth of expenditure on education from Provincial revenues. I am not able to vouch for his figures off-hand, but assuming that they are correct, they show the Revised Estimate of net expenditure from those revenues in 1911-12, after deducting receipts and expenditure from Imperial grants, to be Rs. 17,61,000 as against Rs. 18,92,000 in the Budget for next year. I do not know whether my Hon'ble friend regards the increase of Rs. 1,31,000 or upwards of 7 per cent. as too small. Personally I think it is a seriously high figure. Our Financial Settlement gives us a revenue increasing at a very slow rate, and we can only afford to let our expenditure grow at the same rate. When administrative considerations necessitate a large revision in our standard of expenditure, we can only finance it if we receive outside assistance. This has been recognised by the Government of India in the large grants that have been given to the Provinces for various purposes in the last few years, and it has recently been recognised that the increased expenditure on education which is contemplated in the next few years is beyond the means of the various Provinces. In criticising our expenditure therefore under this head no useful purpose is served by trying to distinguish between the sources from which it is financed. It is recorded in the accounts as Provincial expenditure, and I think that for the purposes of this discussion it should be treated as such.

"I was rather out in my anticipation when introducing the Revised Financial Statement that we should be criticised for budgeting for a large deficit. On the contrary, some Hon'ble Members have urged that we should dip deeper into our balances. The Hon'ble Lala SULTAN SINGH has suggested that we should spend some of our resources on buying up and opening out congested areas in some of our large cities. But I think it is generally admitted that, though Government may render some assistance, schemes of this sort being of purely local importance are matters for the local bodies to deal with. The Government can hardly undertake such schemes at the cost of the general tax-payer, and it is for the city fathers to make a move. The Hon'ble Mr. SHAFI has suggested that our large balances should be devoted to increasing the pay of Munsifs and other Government employes. I thought I had dealt with this point *ad nauseam* both this year and last. I have explained that those balances are largely built up from sale of land, which cannot be regarded as a permanent source of income. If on the strength of these balances we were to embark on large schemes of recurring expenditure, such as increases in the salaries of Government servants and officials, we should simply find that when receipts from sales of land dwindled away, we should be unable to meet the salary bills."

*President.*

His Honour the PRESIDENT :—"Gentlemen,—I should like first to associate myself with the remarks made by the Hon'ble Mr. MANT, the Finance Member, in regard to the satisfactory way in which the Budget this year has been worked out with the assistance of the non-official Members, and I thank the Hon'ble Members for the very friendly criticisms that have been used this year. I am very glad to think that in the Punjab we practically have no Government party and Opposition party (Hear, Hear.). Whether official or non-official, we have been doing our best to utilise the resources available towards the best interests of the Punjab. I think that it must be a matter of satisfaction to you, and I may assure you it is a matter of the greatest satisfaction to me, that our resources are much more ample than they were five years ago. Then our balances were down to and even below the minimum, and Government revenue to the amount of 90 lakhs was suspended and in a fair way to be remitted, and the Provincial Contract was a cause of constant objection on the part of Local Government; but happily a great change has now come over the financial situation, and with the arrears collected during the recent favourable seasons and with a new and better financial contract, we find ourselves now in a position to do something for the great and ever-growing wants which are a sign of the development of the Province, though I do not think we have got a penny too much. As the Hon'ble the Finance Member has pointed out, a good deal of the money we have got is recurring income, and represents the receipts from the sale of Government lands which must be placed in safe and secure investment. My private opinion is that if there is no unusual or unforeseen calamity, we shall probably be better off than the Budget shows. A good deal more has been paid towards the end of the year towards the purchase of proprietary rights, and I hope we shall get more from irrigation receipts. However, I can assure the Hon'ble Members that there is no desire whatever on the part of the Local Government to keep large sums in infructuous balances, no desire whatever to be misers to watch over rupees and sovereigns. Whenever we have increased funds in the Punjab we put them to a useful purpose. In fact, I might say, without danger of revealing any official secret, that all the executive departments desire to spend as much as possible, and those whose important duty it is to husband the resources of the Province are hard put to it to restrain their energies. The result is evident from the Budget which represents the result of the necessary friction between the spending departments and those whose business it is to see to the expenditure and watch that money is not frittered away.

"Now there is one point to which I should like to draw your attention. I do not know that it has always been quite realised what a very important part the great irrigation works of this province play in the present prosperity of this province, and to what an enormous extent on them and on their success the revenue of the Punjab is dependent. Now you will see that the Provincial share of the land revenue is 146 lakhs. The irrigation receipts come to about 133 lakhs, that is, at the present moment irrigation receipts are almost as large as the whole of the land revenue. In a very few years our irrigation receipts will be much greater than the land revenue. Therefore any trouble that is spent by the Government and by the Hon'ble Members in watching over the interests of the canals and the way in which the irrigation money is spent will not be misplaced. You will see that a very large sum, no less than 31 lakhs of rupees, is charged against them as interest on debt. This is because the construction of the canals involves at present a very large expenditure which is not so far reproductive. This is the reason why we are taking urgent steps to expedite the completion of the works carried on in the great triple projects, so that there may be some return for the money which at present shows only an annual charge for interest. An easy calculation will show that if the canals can be fully opened two years before the anticipated dates we shall make perhaps 120 lakhs in water rates and land revenue, which will go a long way towards clearing the debt for the canals. My thanks are due

*President.*

to the Department for the efforts made by them to adapt themselves to the new conditions. Work is now going on by day and night at the heavy works at the Upper Jhelum Canal, and great progress has been made on our two other canals. Thanks to these special efforts, it is hoped that we may be able to complete the Upper Chenab Canal in time for the kharif harvest in Gujranwala and Sialkot where last year it has not been quite as good as in other parts of the Province. I am quite certain that the proprietors will be only too glad to get the water, and it may prevent any such partial failure as was experienced last year in these districts. His Excellency the Viceroy has exhibited great interest in our Irrigation Works, and has kindly consented to open the Upper Chenab Canal on the 12th instant. I hope we shall have the pleasure of seeing some of the Hon'ble Members of this Council at that ceremony, as these works are of vital importance to the Province. The Lower Bari Doab Canal is making very rapid progress indeed, and I am confident in the hope that we may be able to let water into it in the ensuing cold weather. As already anticipated the Upper Jhelum Canal will take more than two years for completion, but I have every hope that the Irrigation Department, by working day and night, will be able to complete it earlier than was originally anticipated. When our three canals are opened this interest charge will rapidly disappear, and on the other side we shall have a very satisfactory entry in the form of water rates due to the operations of this canal. Altogether I think we may say that the Punjab is not at all badly off, although the demands due to the great development of the Province are increasing even more rapidly than our income. We ought, however, with reasonable economy, be able to meet the very pressing requirements of sanitation and education,—the two most important needs of the Province. The Government of India are in a much better case than we are, as not only do they take their half share of the land revenue and irrigation receipts we collect, but they at once take the whole of the increased revenue from customs and railway receipts which is due to the prosperity of the Province, while we have to wait for years before we can increase the land revenue or water rates.

"I am sure the Hon'ble Members have listened with great interest to the outline of the operations of our great railway by Hon'ble Sir H. Burr. I desire to thank him for the very valuable exposition he has given us in the matter. Owing to the abnormal traffic during the past year there had not been enough stock available for the carriage of road metal. The Hon'ble Member has told us at what time of the year the railway can most easily give stock for this traffic. In the month of March and from October to December waggons will usually be available, and I hope it may be possible for the District Boards and municipalities concerned to accumulate a large stock of metal at suitable points as distributing centres from which to take it when required. I think the local authorities in this province would do well to lay up treasure in road metal during the months when waggons for this traffic will be available. I dare say all the Hon'ble Members have been interested in hearing the Hon'ble Sayad Sahib's eloquent description of the difficulties under which the colonists labour. They are suffering from the superfluity of their own prosperity. They have so much grain to take to the markets that they cannot find roads enough to take it there. That is indeed an abnormal state of things, and we may sympathise with them, while we envy their good fortune. There is at present a very large quantity of grain in the Colonies, and the facilities for transporting this are in a backward condition. I would suggest the remedy of light tramways or railways. A light tramway does not cost much more than a metalled road, and the expenditure on maintenance is much less, while the tramway earnings also are worthy of consideration. This is a matter to be considered by the people themselves who would be benefited by the tramway. It cannot be urged that sufficient capital is lacking for the formation of such companies, nor can it be said that they have not sufficient public enterprise in the Colonies to form companies for the construction of such light railways, for the colonists are among the most active-minded people in Northern India. I am sure that, if the Hon'ble Sayad

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MAHDI-SHAH would exercise his great influence in that direction, he would be able to remedy the position of the colonists by securing the formation of such companies. The development of such a system will, I am certain, receive from the authorities of the North-Western Railway all the assistance they can give. I am glad that several of the Hon'ble Members have approved of our proposal for a collecting elevator which we propose to put up in the colonies. I find from my experience of India that it takes at least five years to get any new idea accepted, and if it were really a novel idea, ordinarily ten years would be required for it. I have, however, also found that if one is not discouraged at a new idea put forward not being taken up and if one adheres to it, he will gradually get people to take to it, and then every one will say 'this is a very simple thing, why was it not done before?' I think that the case is the same with the elevator idea which it has taken me about four years to develop. By means of the silos, which are an essential part of the elevator, grain may be kept in a secure place safe from damp and insects and taken out therefrom when required. The method of working is quite simple, and the arrangement will increase the receipts of the cultivators. Any cultivator can take out the grain at any time that suits him. Thanks to the public spirit of the Faridkot Darbar we have been able to make an experiment there which has been very successful. No objection has been raised to the grain of more than one man being put in one bin. They take receipts for the grain they put in, and take it out on these receipts when required for sale, &c. The sales are endorsed on the receipts, and the great exporting firms have bought freely from the granaries. If the elevator put up by the Government proves a success, it will, I trust, be followed by a large number of such elevators. I hope also that elevators will be constructed by the Railways. It was on the Railways failing to do it that Government had to step in. Collecting elevators have been adopted in Canada with the greatest success in somewhat similar conditions, and they are being considered for the Argentine and South Africa, and I hope they will be an equal success in this country. There is another thing worth mentioning in this connection, that in the absence of these elevators there is a loss of 20 per cent. a year in wheat stored in ordinary huts, due to weevils, so that it is perfectly obvious how important the provision of suitable granaries is.

The Hon'ble Sayad MAHDI SHAH has pointed out that extraordinary difficulty is experienced when grain is taken to the station in getting it carried away. The elevators will greatly facilitate rapid despatch.

"At present grain taken by rail has to go in sacks, but the Railway has now promised to provide for this traffic trucks adapted to carry grain in bulk, which with the system of elevators and silos will have the effect of largely reducing the cost to owners of getting their grain down to the sea board. The Hon'ble Sayad MAHDI SHAH has spoken of a possible saving of two annas a maund if better roads were constructed in colonies. I think that the introduction of the system of elevators and tramways will save not only two annas, but even six annas per maund.

"I now refer to the subject of education—perhaps the most important question we have to deal with. I venture to think that the explanation by the Hon'ble Mr. GODLEY of the policy of Government has been considered sufficiently satisfactory. Personally I am inclined to think we should have been given a good deal more than 3½ lakhs, but we must be contented with what we have got. One of the difficulties we have to face is the want of efficient and properly qualified teachers. I mean Primary teachers. I do not refer merely to the number of teachers with certificates who are available. It is of course very necessary and proper to have such certificated teachers. But that is not all. There is one thing which has struck me more than any other during the course of my tour in the Province. All schools do me the honour of coming out to welcome me. I am afraid I have not very much opportunity of gauging the



*Sayad Mahdi Shah.*

intellectual attainments of the scholars, but I do my best to find out what sort of men the teachers are. I am sorry to say that teachers in Primary schools in out-of-the-way districts are to my mind often absolutely unfit for the posts they hold. Frequently they are boys under 16 or 17 years of age or 20 at the outside. I can say that in my country there would be very few parents who would entrust their children to the care and instruction of such immature boys. It may be wrong from the strict educational point of view, and in time no doubt it will be necessary for us to secure a staff of thoroughly efficient certified teachers, but for the present we must be content with persons even without certificates, but with the advantage of age and standing, which are, as a rule, necessary for the instruction of small boys, and that point of view has been impressed upon the local boards concerned. I dare say Hon'ble Members have heard the complaint that the Deputy Commissioners cannot do their own work because the demands of the Departments upon their time are so great that they are not able to attend to their requirements without detriment to their own legitimate duties. To ensure that they will not be hampered in their executive duties by the operations of the Education Department, we have devised a system of decentralization. Under this system we have interposed between the Director of the Department and the local bodies the Divisional Commissioner, who with the advice of the Inspector of Schools of the circle, which is now conterminous with the division, will deal with the local bodies concerned through the agency of the Deputy Commissioners. In this way any undue interference by the Department with the Deputy Commissioner should be entirely eliminated. We hope that the Commissioner with his knowledge of the requirements of the 5 or 6 districts in the division will be better able to adjust the conflicting demands of the districts and the share of the educational grant which each should get. The grant for primary education is now distributed by the Commissioner, and as the money is in his charge, he can see that it is distributed and spent properly. I hope that under this system we may be able to make much more rapid advance than hitherto in spreading primary education, the importance of which the Government has at heart. It is, however, quite obvious that any attempt to increase the number of Primary Schools can only be done when reasonably efficient teachers for those schools are available, and that the impulse must come from below, that is, from the local bodies concerned who manage those schools. I am sure that if the Hon'ble Members will devote themselves in their own districts to seeing that the local boards concerned do something to promote Primary Schools they would be doing a great service. I am glad the Hon'ble Members recognise that we have taken a step in the right direction by increasing the pay of teachers. I find that the Hon'ble Mr. SHADI LAL still thinks that the salaries that we have given are inadequate. I am disposed entirely to agree with him, but most of the Primary Schools are now under the local bodies, and it is no use our increasing the pay of the few primary teachers paid by Government if the local bodies cannot raise the salaries of their teachers in the same degree as we have every hope they will wish to do. We have done our best to encourage them in the matter, and our grants-in-aid to local bodies will be in proportion to the sums spent by the local bodies concerned on the pay of their teachers, so there will be an incentive to the local bodies concerned to do what we wish. In this Province in the matter of primary education it is not absolutely necessary to have fully equipped and large school buildings for Primary Schools. In my opinion for the present it may be possible to work up the Pathshalas and Maktabas more than has been done so far. We happily now have more money to spend on the extension of primary education, and no efforts will be spared to work out a practical scheme for doing this, but it is a work in which the assistance of the public is especially necessary.

"The question of sanitation has also been mentioned by several Members. The Hon'ble Mr. TOLLINGTON has shown that we have not been remiss in this respect, but it is extraordinary how difficult a thing it is to get schemes properly worked out for sanitary objects. I suppose in time we shall have secured such schemes

fully matured. Only the other day I was asked by the Government of India if there was any scheme fully matured on which 5 lakhs could be spent by the Government. Fortunately I was able to say there was, and I hope we will get our 5 lakh of rupees in this case, but I trust that the authorities will realise the necessity for fully maturing schemes so that money may not lapse or even go elsewhere.

"*Apropos* of the attention which Government is devoting to the alleviation of the conditions which favour outbreaks of malarial fever, it is interesting to notice that in its issue of the 17th February last the *Tribune* in a leading article implied that periodical flooding could hardly be an important factor in the causation of epidemics of malaria as flooding had existed from time immemorial, while there was nothing like malaria on its present scale 20 years ago. It is true that in 1908 the mortality reached the high figure of 307,800, but in 1900 it was 254,600, and in 1890 and 1892 it was 234,600 and 273,200, respectively. These were all years of heavy rainfall. In the big outbreak in Amritsar city in 1881 the deaths in four months totalled 10,121, giving a rate of 210 per thousand per annum which is as bad as the terrible epidemic of 1908. In this year, 1881, precipitation was heavy over the Amritsar district, but not elsewhere. It is therefore quite erroneous to say either that malaria is not connected with rainfall or that there was nothing like malaria on its present scale 20 years ago.

"If the implication is that Government is not doing its best now to avert epidemics of malaria, this view is certainly not supported by facts. To take the case of Amritsar as an instance, Government has given Rs. 50,000 odd towards the sewage disposal works and 1½ lakhs to the drainage of the dhabs. It has been spending many thousands on clearing out the main drainages such as the Bagga and Hudiara, and has recently after four years' careful tests and trials submitted to the Government of India a scheme estimated at some 13 lakhs for harnessing up two falls on the Bari Doab Canal and using electrical power to pump from the sub-soil and so reduce the water-logging that exists. All this has been done in the hope of being able to prevent these disastrous epidemics. As regards the province generally, the whole of the plague staff, which until recently comprised 20, and now consists of 8 Indian Medical Service Officers, together with 22 Assistant Surgeons and 3 Sub-Assistant Surgeons, have for the past three years been employed on itinerant and general medical relief. Since 1908 the Inspector-General of Civil Hospitals has provided the plague staff with equipment, and the rules on the subject (Plague Manual, 207) lay it down that the staff of Medical Officers on plague duty shall be supplied with a liberal quantity of medicines and equipment for the treatment not merely of plague cases, but of the sick generally in all villages which they may visit in the course of their tours. This itinerant staff pays special attention to the question of malaria. Further, the Punjab was one of the first provinces to appoint a special malaria staff to investigate the causation of fever. This staff, under Lieutenant-Colonel Adie, has worked steadily over the fever areas of the province and has thrown much light on the different kinds of mosquitoes that we have to fight. Their enquiries give ground for hope that it may be possible to deal with the species which carry the malaria germ. In the meantime the improved system of distribution of quinine started in 1908 is working well and the 5-grain tablets made by Government are much in favour. All that is humanly possible has been done by Government to check this scourge of the Punjab, and we must all be very thankful that for the past three years the seasons have been healthy, and there has been but little malaria or plague.

"We have at last done something for the poor clerks, but I must agree with the Hon'ble Mr. SHADI LAL that we might well do more. We have raised the pay of officials drawing Rs. 30 and under, and it may be possible to consider the case of those officials who are drawing between Rs. 35—50.

*Sayad Mehdi Shah ; Mr. Mamooji.*

"The question of technical and commercial education has been fully explained by the Hon'ble Mr. GODLEY to the Council, and it will be seen that we have already done a good deal. I may add that we have asked the district boards and local bodies to consider the advisability of opening at least one industrial school in their respective jurisdictions. We shall be glad to render every reasonable assistance for such schools.

The Hon'ble Mr. MAMOOJI was a little concerned about expenditure on the Simla Improvement Scheme, and he suggested that we might perhaps keep the money. We hail the suggestion, but I am afraid we could hardly carry it out. Whatever may be the future of Simla, this money is not ours at all. We are only the bankers of the Government of India in this matter, and the money was given to us by the Government of India to be kept in the treasury until such time as it may be required to pay for the works carried out.

"I am glad the Hon'ble Members have spared the Punjab Police force on this occasion. It is a case of the old story of 'Don't shoot the man at the piano : he is doing his best.' I have every reason that the Punjab Police force is really doing its best to cope with crime, and every effort is being made to raise the standard of integrity to the degree we all desire by the process of recruiting men of good position and good education for the higher grades. I find that the young men are doing good service. It is true there has been a lamentable recrudescence of crime in the north-western districts of the Province, and the matter has been engaging our attention for some months. I am afraid this sort of crime is rather contagious, and the example set in the neighbouring districts has had a bad effect upon some bad characters in our own province. We moved the Government of India to allow us to arm some of the villagers in the most exposed districts, but I am sorry to say they were unable to accept that proposal, though they have provided us with a certain number of rifles with which we have armed the police. I am now considering the possibility of increasing at any rate temporarily the number of police to be so armed to deal with these occurrences in those districts where they occur, as it is perfectly obvious we must rely on our own resources to cope with this reappearance of dacoities. At the same time the Deputy Commissioners concerned are freely giving licenses for arms to respectable persons who apply for them so that they may have an opportunity to be able to defend themselves. We are thus taking every reasonable step, and I have no doubt that in our Province these dacoities will rapidly subside.

"The unhappy case of Dera Ghazi Khan has again come up. The Hon'ble Nawab BAHRAM KHAN and Hon'ble Mr. HARI CHAND will be pleased to hear that provision has been made in the Public Works Department Budget for the main works required at Dera Ghazi Khan for which plans are now ready in addition to the sum of one lakh shown in the budget for general purposes. The Courts are to be built at Chorutta. I was under the impression that some of these had already gone there, but I now learn that it is not the case. I hope these will soon move. Officers prefer to have their houses built as before by private person, and this has been sanctioned. It now rests with the private owners to build. I think I can promise that the bulk of the District Courts will shortly be located in Chorutta. At the same time we have to proceed with caution, as if the Indus goes on cutting into the left bank at Pir Adil it may cut away a further large slice of the district and further action may be necessary.

"Many of the Hon'ble Members have referred to the historical occasion of the visit of their Imperial Majesties the King Emperor and Queen Empress to India and the honour done to the Punjab by the selection of Delhi as the site of the great Coronation Darbar. I was always of opinion that the people of India would have resented it extremely if no Coronation Darbar were held in this country, and I also ventured to say that it would be a matter

*Mr. Mamooji ; Mr. Tollinton ; Mr. Shadi Lal.*

of the greatest satisfaction and joy to the people if His Imperial Majesty were to condescend to hold that Darbar in person, and that such a Darbar would produce a wave of enthusiasm. I was, then, not surprised but rather gratified that my forecast has been more than borne out by the enthusiasm, loyalty and devotion of all classes in India on the occasion of the Coronation Darbar. This enthusiasm, loyalty and devotion attendant on the visit of Their Imperial Majesties will for ever be treasured by me as the happiest memory of my service in this country."

The Council adjourned for lunch.

### PUNJAB COURTS (AMENDMENT) BILL.

The Hon'ble Mr. TOLLINTON moved for leave to introduce the Bill to amend the Punjab Courts (Amendment) Act, 1912. He said:—"As Hon'ble Members will see from the Statement of Objects and Reasons, the introduction of the Bill needs no apology and little explanation.

Section 5 of Punjab Act I of 1912 repealed section 70 of the Punjab Courts Act of 1884 as amended in 1899. Section 70 of the latter Act gave powers of revision to the Chief Court, and also repealed, as far as the Punjab was concerned, section 622 of the old Civil Procedure Code, which provided for the revisional power of High Courts generally. It follows that section 70 having been repealed, the Chief Court has at the present moment no power of revision: for neither has section 622 of the old Civil Procedure Code been revived, by the repeal of section 70, since the mere repeal of a repealing Act does not under section 5 of the Punjab General Clauses Act revise the enactment repealed. Nor is section 115 of the new Civil Procedure Code, which takes the place of section 622 of the old Code, applicable to the Punjab, for under section 158 of the new Code the repeal of section 622 of the old Code had the effect of repealing section 115 of the new Code immediately it came into force.

"It is a genuine *casus omissus* which was first pointed out in the press to which the thanks of Government are due, and an urgent measure, the introduction of which under the rules does not require the sanction of the Government of India. The measure will have retrospective effect from the date of the coming into force of Punjab Act I of 1912.

"It is unnecessary further to justify the measure. We must hasten to avert the dislocation of what is under the present system a very important part of our judicial machinery."

The motion was put and agreed to, and the Hon'ble Mr. TOLLINTON introduced the Bill, and moved that it be taken into consideration.

The motion was put and agreed to.

The Hon'ble Mr. SHADI LAL:—"I have only a few remarks to make. I may mention that a very high judicial authority in this province expressed an extra-judicial opinion that there was now no law of revision in the Punjab, and it was I believe in consequence of this that a letter was sent to the Press. Section 5 of the Punjab General Clauses Act provides that a mere repeal of a repealing section does not revive the repealed Act. It is in pursuance of the principle embodied therein, as has been pointed out by the Hon'ble Mr. TOLLINTON, that this Bill has been introduced. I was not a member of the Select Committee which considered the Punjab Courts Amendment Act, and I am not sure whether the point which is now raised was before that Committee. But I am doubtful whether section 5 of the Punjab General Clauses Act really applies. The revision section of the Civil Procedure Code was always in force, and section 70 of the Punjab Courts Act, though using the word repeal, in effect merely suspended the operation of that section as far as the Punjab was

*Mr. Shadi Lal; Mr. Muhammad Shafi; Mr. Tollinton; Mr. Fenton; Malik Mubariz Khan.*

concerned. Accordingly I am inclined to the view that when section 70 of the Punjab Courts Act was repealed the revision section of the Civil Procedure Code *ipso facto* came into force. The obstacle which existed in its way was removed and it had its full play. But the question is not free from doubt, and the present Bill is introduced *ex majori Cantela*. It makes the matter quite clear. I support it."

The Hon'ble Mr. MUHAMMAD SHAFI :—"I wish to invite attention to one slight amendment which should be made in the drafting. I would suggest that for the words 'such Chief Court' the word 'it' be substituted. In section 115 the words 'such High Court' are used because section 115 applies to the whole of India and consequently to more than one High Court, but in the Punjab we have only one Chief Court, and hence the word 'such Chief Court' are unnecessary."

The Hon'ble Mr. SHADI LAL :—"Your Honour,—This morning this point struck me, when I consulted the Civil Procedure Code, but I thought it was a small matter, and too petty to be raised. So I did not bring it before the Council."

On the Hon'ble Mr. TOLLINTON saying that he had no objection to the amendment, the Hon'ble Mr. MUHAMMAD SHAFI moved it formally.

It was put to the Council and agreed to.

The Hon'ble Mr. TOLLINTON moved that the Bill as amended be passed.

The motion was put and agreed to.

#### PUNJAB PANCHAYAT BILL.

The Hon'ble Mr. FENTON :—"Your Honour,—I move that the report of the Select Committee on the Bill to provide for the establishment of Panchayats in the Punjab and that the Bill itself be taken into consideration. I see that the Hon'ble Malik MUBARIZ KHAN has given notice of amendments. In connection with these the principles and details of the Bill can be discussed. At the present stage I need only say that I have received no instructions whatever from Government with reference to the attitude which I, as Member in charge of the Bill, should adopt towards the Hon'ble Malik's amendments, and I understand that other official Members also are free to vote on those amendments in accordance with the views which they may personally entertain on each of the subjects with which they deal."

The motion was put and agreed to.

The Hon'ble Malik MUBARIZ KHAN in moving his amendment spoke in Urdu, a translation of which is as follows :—

"Your Honour and the Hon'ble Members of the Council,—Before I proceed to submit my amendments to the Punjab Civil Panchayat Bill I deem it necessary to say a few words by way of introduction. It would come as a surprise to Your Honour and the Hon'ble Members of the Council that an Urdu-knowing Member should differ from the opinions of the learned Members of the Select Committee which was appointed to consider the provisions of the proposed Bill, and of which I was also one of the Members. This dissent does not suggest that the Mover of the amendment is a learned person, but rather it tends to show that it is born of the experience and advantage he has had on account of his being a villager and knowing the general conditions of the villagers. After due consideration I find that the proposed Bill can claim two or three advantages to the general public, *viz.*, that there will be a saving of time so far as the decision of petty suits is concerned, that there will also be some saving in expenses, and that the other inconveniences

experienced by the litigants during the pendency of a suit will also be reduced, and so on. I am afraid that the Bill as it stands would not be acceptable to the public and would prove quite useless for them. First and foremost it is necessary that the cases of which it is proposed to give cognizance to the Panchayats should solely and necessarily be cognizable only by the Panchayats. No doubt, *prima facie*, it looks hard, but it is a question whether any law or rule was ever brought into force at the commencement without entailing such hardships. The just British Government took up the reins of government after the Sikhs, and it was then that the regular courts came into existence. In the beginning the people had recourse to them only under compulsion, but later experience proved to them that these were meant for their convenience. Panchayats have ordinarily been given jurisdiction up to Rs. 20. It may be that in the beginning a plaintiff or defendant may in pursuance of the decision of a Panchayat have unjustly to pay Rs. 20, but I would still prefer this loss to the decision by a regular court, inasmuch as in the case of Panchayats the loss of a party would be limited to Rs. 20 only, while in the case of regular courts—as experience and observation have shown—in suits for such petty sums more than these twenty rupees are spent as pleader's fees, and the other expenses, such as those incurred by the litigants in courts and in coming for attendance there, are in addition. Further, the conferment of Small Cause Court powers up to Rs. 50 on courts have proved beneficial, and there has been no complaint against it. In the light of this fact there seems no reason why the Panchayats, which would prove a source of great convenience and usefulness to the people, should not be granted equal powers. In order to make this measure prove a success, it is but necessary and proper that the Panchayats should be given Small Cause Court powers. If Your Honour and the other Hon'ble Members be not agreed on this point that Small Cause Court powers should compulsorily be conferred on the Panchayats, then, as an alternative, I would suggest the following amendments in the hope that Your Honour and the other Hon'ble Members would give their consideration thereto.

"In this connection there is another point which it would be well to bring to Your Honour's notice, *i.e.*, that when it is deemed necessary to look to the convenience and interests of men, those of the women should also be kept in view. It is against equity that men should be the recipients of such concessions under the Bill, to have their petty suits disposed of by the Panchayats without any inconvenience and troubles and without stirring out of their homes, while women, who cannot raise their voice and who in fact stand more in need of such concessions and conveniences than men, should be deprived of them. It is as clear as day that in the existing courts poor women have to face many difficulties in addition to expenses. Over and above this the troubles which she has to undergo in order to safeguard her modesty from a petty chaprassi to the highest official are such as cannot be described. Particularly when one considers the state of mind of a modest woman who leaves a court late, one's hair stands on end. Under these circumstances the poor woman, who cannot raise her voice and who is quite helpless, has to spend the night in the house of a good-natured chaprassi or in a sarai. The troubles that under these conditions can befall her cannot be imagined. Suits relating to women can very well be disposed of by the Panchayats. The members thereof will show greater regard for her honour and sense of modesty and also her convenience than the presiding officers of courts who are perfect strangers, inasmuch as the inhabitants of villages have generally to deal with their brother villagers and have due regard for one another's honour. Even if a Panchayat be not able to decide the suit of a woman in time, she can put up with any of her village brethren, for it is just possible that she should have some distant or near connection among the villagers, who, at any rate, have a regard for her honour. Besides, she would be saved a lot of time and

*Malik Mubariz Khan ; Mr. Shadi Lal ; President ; Lala Hari Chand ;  
Mr. Muhammad Shafi.*

expenses and would be rid of other difficulties which she would otherwise have to go through. Hence in my opinion women should not be deprived of this concession and the conveniences conferred by the Bill, for otherwise a portion of the people would be deprived of the benefits conferred by this Bill. I therefore very strongly recommend that the word 'woman' should be omitted from clause 5 (4), i.e., that suits should be allowed to be brought against, or by, women."

The Hon'ble Mr. SHADI LAL :—"I think that the Hon'ble Malik Sahib has quite overlooked the provisions of section 5. The women are not altogether debarred from resorting to the Panchayats. By the proviso to section 5 suits by or against women can be brought before a Panchayat if the Local Government so directs. Should necessity arise in a particular part or district, the Local Government can by notification direct that the suits by or against women may be brought before a Panchayat."

The Hon'ble Malik MUBARIZ KHAN :—"Your Honour,—I cannot understand what is being said."

His Honour the PRESIDENT :—"Perhaps the Hon'ble Member would not mind speaking in Urdu."

The Hon'ble Mr. SHADI LAL :—"Sir, I am not sure that I shall be able to express myself properly in Urdu. However, I will try."

The Hon'ble Mr. SHADI LAL then spoke in Urdu, a translation of which is as follows:—

"The Hon'ble Malik Sahib's assertion that women will not be benefited by this Bill, and that as they stand in greater need of the concessions their cases should be allowed to be brought before the Panchayat, does not appear to me to be quite correct, because the Local Government, whenever it sees the advisability of adopting such a course, may by notification prescribe that suits by or against women may be brought before the Panchayat in any particular area. This matter was fully brought to the notice of the Members of the Select Committee. If it were ruled that the cases by or against women should compulsorily go to the Panchayats, then there would be many women who would not like to go to the Panchayats personally. It may be urged that their agents can in that case appear, but in some cases there might be trouble over this, because the Panchayats cannot be sure of the authenticity of the powers-of-attorney presented. In view of these troubles and others that might crop up in complicated cases, it was decided that the women should as usual go to the regular courts. If the Local Government sees that in any particular place it may be expedient to extend the provision to women, it would no doubt do so by notification in exercise of the powers conferred upon it by section 5. The pleaders are not allowed to appear before the Panchayats. In the light of these facts I oppose the amendment."

The Hon'ble Rai Bahadur HARI CHAND spoke briefly in support of the Hon'ble Mr. SHADI LAL.

The Hon'ble Mr. MUHAMMAD SHAFI spoke in Urdu. A translation of his remarks is as follows:—

"I have fully considered the Hon'ble Malik Sahib's amendment that the suits by or against women should be allowed to be brought before the Panchayats, in view of the fact that this would make the measure popular among all classes of people. I have discussed this matter with some other gentlemen who brought it forward as an argument that the objections which can be urged against the going of women to the Panchayats can very well hold good as against men, and that it was not equitable that women should be deprived of the concessions which the Bill confers upon the people. I confess I then came to the conclusion that they were right, and that the amendments put forward by the Malik Sahib should be accepted. It may very well be urged that the objection as to appearance by agent is as true in the case of the Panchayats as in that of the regular courts. Panchayats can satisfy themselves on this head

*Mr. Muhammad Shafi ; Lala Sultan Singh ; Khwaja Yusuf Shah ;  
Nawab Bahram Khan ; Mr. Fenton.*

in the same way as the regular courts do. A Registrar or Sub-Registrar, or the officers authorised in this behalf, can attest the power-of-attorney. These objections are certainly not enough to justify the withdrawal of the amendment. But certainly there is force in the arguments brought forward by my Hon'ble friend Mr. SHADI LAL to the effect that from proviso 4 to section 5, which provides that 'unless the Local Government otherwise directs and subject to such conditions as the Local Government may prescribe, no suit shall be brought before any Panchayat by or against women or minors or persons of unsound mind,' it would appear that the Local Government has the power to remove the restriction wherever it deems fit. This argument of my Hon'ble friend appears to me to be a sound one, and I accordingly agree with him. To the Hon'ble Malik Sahib I would say that in view of the above proviso the Bill does not debar the women from the benefits of the Bill, and I would therefore advise him to withdraw his amendment."

The Hon'ble Lala SULTAN SINGH spoke in Urdu, a translation of which is as follows :—

"The amendments proposed by the Hon'ble Malik Sahib are in my opinion called for. I admit that the Local Government has the power to extend the concession to women when it sees that this course would be expedient in any place. But I do not quite see why women as well as men should not be allowed the option of having their cases disposed of by the Panchayats. There would be no compulsion in this procedure, and they would be at liberty to go to the regular courts if they should choose to do so. There is in my opinion no justification why they should be compelled to go to the regular courts."

The Hon'ble Khwaja YUSAF SHAH spoke in Urdu, a translation of which is as follows :—

"In my opinion women should not be allowed to go to the Panchayats. There are more reasons than one against this procedure. If women go to the Panchayats, there would be something else besides the merits of the case that would appeal to the members of the Panchayat in their favour."

The Hon'ble Nawab BAHRAM KHAN spoke in Urdu, a translation of which is as follows :—

"I cannot speak for the whole of the Province, but as for Dera Ghazi Khan I can say that the Panchayats would be looked upon with favour. I have an experience in this matter which extends over a period of many years. The people of that part of the country prefer private settlements, and they would welcome the concession being extended to women."

The Hon'ble Mr. FENTON :—"After the explanations of the reasons actuating the Select Committee, which have been given by the Hon'ble Rai Bahadur HARI CHAND and the Hon'ble Mr. SHADI LAL, it is unnecessary for me to do more than call the attention of the Council to clause 11 of the Bill, which, it will be seen, provides that before Panchayats the parties shall appear in person. It was with reference to this provision for personal attendance that the question of women came to be discussed by the Select Committee. To the champions of the *parda* system it was abhorrent that personal attendance of women should be made obligatory. Under section 132 of the Civil Procedure Code personal attendance in such cases may be dispensed with and representation by agent be permitted. But it seemed to the Select Committee to be of the essence of the Panchayat system that the parties in each suit should present themselves to the Panchayat Bench for examination and cross examination.

"In this dilemma it was decided to cut the knot by excluding from Panchayat jurisdiction suits by or against women, or rather by including such suits in the category of those which shall not be dealt with by Panchayats, unless and until Government shall have specially directed that they shall be so dealt with. As experience is gained in the working of the Panchayat agency, it may be found feasible for Government to give such a direction."



President; Malik Mubariz Khan.

His Honour the PRESIDENT :—" I may say at once that although I am not prepared to accept the general amendment proposed by the Hon'ble Malik Sahib, it is very gratifying to find such a big land-holder advocating the compulsory jurisdiction of Panchayats. I think it would be difficult to introduce such compulsory jurisdiction, specially among the peasantry of the North-West Punjab. We are introducing this Bill as a tentative measure, and if the attempt is successful, we may be able to extend its scope later.

"The particular amendment now under consideration concerns the *masturat* of the country, and touching as it does the domestic arrangements of the people can best be decided by the non-official Members of the Council. It is difficult for a Britisher to speak with authority on such a subject. I would point out that the Hon'ble Member who has moved this amendment has probably, of all the Hon'ble Members, the most intimate knowledge of what the Indian peasants desire and require. The Government has a perfectly open mind. I need only say that though personally I am rather inclined to the view that women should be allowed to resort freely to Panchayats, yet there are undoubtedly difficulties in some parts of the Province, especially where even the village women are *purdanashins*. The Bill is a tentative measure, and perhaps the wisest course will be to exclude women for the present. The Local Government will always have the power to extend the Bill to women in any particular area in which it may be desirable to do so."

The amendment was put to the Council and lost.

The Hon'ble Malik MUBARIZ KHAN moved that for clauses 9, 10, 11 and 18 of the Bill the following be substituted :—

" Clause 9.—The Deputy Commissioner shall appoint one or more places for the sitting of Panchayats, where the members of every Panchayat shall assemble in such rotation and on such days or dates as the Deputy Commissioner may fix.

Clause 10.—The parties, *i.e.*, the plaintiff and the defendant, may jointly refer a dispute cognizable by a Panchayat to a Panchayat assembled under section 9, and the said Panchayat shall enquire into the matter and decide it as it deems fit.

Clause 11.—Any person wishing to institute a suit before a Panchayat shall appear before a Panchayat referred to in section 9 and shall state verbally or in writing the name of the defendant and such other particulars of the cause of action as may be prescribed by rule. The members of the Bench shall record in a register the names of the plaintiff and the defendant with other necessary particulars, and shall by summons or otherwise as prescribed call the defendant to appear before them on the date and place fixed. If the defendant intentionally omits or refuses to attend the court, the proceedings shall be taken *ex-parte*. When the defendant comes before the Bench he shall be informed of the nature of suit and the names of the members of the Bench. If he objects to one, two or four out of the five members of the Bench, the remaining one or three members shall hear the suit. If, however, the parties do not consider one member to be sufficient, two or more members shall, with their consent, be added to the Bench which shall enquire into the suit and decide it as it deems fit. If the defendant does not wish to have the suit decided by a Panchayat, his refusal with the reasons for such refusal shall be recorded and the parties dismissed. The plaintiff may institute a suit in a civil court, and in case of his success the civil court shall, in determining the cost to be paid to the plaintiff, take into consideration the expenses incurred by him previously."

He spoke in Urdu, a translation of which is as follows :—

"Clauses 9, 10, 11 and 18 of the Bill are very important, in that they make provision regarding the mode of instituting suits and the securing of the consent of parties to the nomination of members of the Panchayat. If clauses 9, 10 and 11 be critically examined, it will appear that in reality the parties (to a suit) will have no facilities in taking advantage of the Panchayats. The plaintiff will have to file an application in the Munsif's court at first, after which he will return to his village and again attend the Munsif's court twice or thrice until the defendant puts in appearance. If the defendant fails to appear, as they generally do in order to harass plaintiffs, he will have to undergo the trouble and expense of attending the Munsif's court again and again without any result. And if after so much cost and trouble to the plain-

tiff the defendant does not consent to have the suit tried by the Bench mentioned in clause 10, the Munsif will not do anything for the poor plaintiff and will dismiss the parties without taking any action. As a result, the plaintiff shall, after so much trouble, have to institute a suit afresh in a court of competent jurisdiction. The second point worth consideration is this. The Panchayats constituted will generally comprise such persons as are considered to be respectable in their *ilaga* and capable of administering justice, and when such persons are elected by the local officers for the decision of civil suits it will not be improper to presume that they are trustworthy. Such persons should not, on an ordinary objection being raised against them, be considered to be unfit; otherwise every defendant will reject every Panchayat, with the result that the Panchayats will not become popular. I am of opinion that all the members of a properly selected Panchayat should not be condemned on account of an unreasonable objection raised by the defendant. A case can be tried by one member as well as by three members. In view of similar other reasons I am of opinion that the selection and nomination of members need not be made through a Munsif, and the plaintiff or the parties should be permitted to refer their cases direct to the properly constituted Panchayats, and that they may refer their cases to such members of the Panchayats as may have been nominated by the Deputy Commissioner as provided for in clause 18 of the Bill to hold a sitting. The members may be authorised to summon the defendant. If the latter objects against one or two out of the five members of the Panchayat, the remaining three or one member can hear the case as a Bench, or where necessary two or four members may, with the consent of the parties, be added to the Bench as provided for in clause 24 of the Bill.

"If a defendant does not wish to have his suit decided by the Panchayat, his refusal with reasons should be recorded in a register, and the plaintiff should institute the suit in a competent court. I think it will not be unreasonable to provide that in the event of the plaintiff succeeding in a civil court the defendant should be made responsible for the payment of the cost incurred by the plaintiff in the Panchayat. My object is to enable the civil courts to cause reasonable expenses to be paid to the plaintiffs in such cases."

The Hon'ble Mr. FENTON :—"So far as I can see the main object of this amendment is to get rid of the intermediary attendance before a Munsif, and so save delay and trouble. Now I must admit that the arrangement is at first sight not altogether an ideal one. But it is to be remembered that the term 'Munsif' will include all Magistrates, Honorary Magistrates and Honorary Munsifs in the District, Munsifs, Sub-Registrars, Revenue Officers and possible other officials, and hence no litigant will have to make any long journey to set the new machinery in motion. It seems to me there are several objections to the amended procedure proposed. The Panchayats will not sit in continuous session. They have not at their command any process-serving establishment. Next, perhaps the most important function in connection with this Panchayat procedure will be that of recording the assent of the parties to the Panchayat jurisdiction and to the selection of the members to form the Bench, and it is right that this procedure should be carried out with every safeguard by an agency well qualified to make the necessary record. There may moreover be a great many cases in which the merits or demerits of the members of the Panchayat may be discussed, and it is very necessary that this discussion should not take place in the presence of the members affected. Indeed, most critics have taken exception to this power provided in the Bill as introduced of taking open objection to Panchayat members.

"Lastly, I would remind the Council that the Bill in section 18 already provides a procedure and machinery which will meet all the requirements which the Hon'ble Malik has in view. Under that section the

*Mr. Fenton; Malik Mubari- Khan; Mr. Muhammad Shafi.*

parties to a dispute can go direct to a Panchayat at any of its regular sittings and then and there present the case before it without any preliminary appearance before a Munsif.

"I do not think the Hon'ble Member's amendment should be accepted."

The amendments were put to the Council and lost.

The Hon'ble Malik MUBARIZ KHAN moved that in case of both sub-clauses (a) and (b) of clause 23 it shall be compulsory for the Bench to certify that it is unable to secure satisfaction of the decree. He spoke in Urdu, a translation of which is as follows :—

"In the case of both the sub-clauses (a) and (b) it should be compulsory for the Bench to certify that it is unable to secure satisfaction of the decree, for the plaintiff may possibly not present himself before the Bench for three months without any reason, and with a view to put the defendant to unnecessary expense and trouble, apply to the Munsif for the execution of the decree after a silence of three months."

The Hon'ble Mr. FENTON :—"It seems to me that in this amendment also the underlying idea is to enforce the compulsory jurisdiction of panchayats. Clause 22 provides that every Bench shall endeavour to effect early satisfaction of the decree which it grants, and if it is unable to effect satisfaction, it should grant a certificate to that effect. It is clear that it is only when a Bench has not succeeded in effecting execution that a party can get a certificate from the Bench.

"The intention of the Act is that if more than three months have passed without the efforts of the Panchayat having met with success, a party should be able to go to a regular court. I think this is only reasonable.

"The provisions of clause 22 are mandatory, and it is intended that a party should endeavour to get satisfaction through a Panchayat by an application made thereto. On the whole I do not think that the amendment should be introduced into the Bill."

The Hon'ble Mr. MUBARIZ KHAN speaking in Urdu said there was some danger of a plaintiff rushing to a Munsif to *beizzati* the defendant.

The amendment was put and lost.

The Hon'ble Mr. MUHAMMAD SHAFI :—"Before the Hon'ble Mr. FENTON asks the Council to pass the Bill I may be permitted to make a suggestion calculated to supply, what is to my mind, an omission on the part of those who drafted the Bill. In section 6 Your Honour will see the words, 'no Bench shall try any suit or issue in which the matter substantially in issue . . . . or has been decided . . . .'. I would suggest that the words 'heard and' be added before 'decided.' That is the usual phrase adopted in *res judicata* sections. I think the amendment is one which ought to be accepted."

The Hon'ble Mr. FENTON :—"The Hon'ble Member may be allowed to move an amendment accordingly, and it may I think be accepted."

The Hon'ble Mr. MUHAMMAD SHAFI was permitted to move the amendment accordingly.

It was put and agreed to.

The Hon'ble Mr. FENTON moved that the Bill as amended be passed. He said :—"Though the Bill has been before the public for more than a year, it has evoked little comment from outside. As far as I am aware, only two local newspapers have noticed it. One of these has predicted that the Act

*Mr. Fenton; Mr. Muhammad Shāfi; Khwaja Ahad Shah.*

will never be made use of; that it will be a dead-letter. The other has welcomed the amended Bill as a legislative article of superior quality, superior because it is the product of a non-official firm, only one-ninth of the Select Committee having been tainted by officialdom. Well, if the Act proves a success, Government, I am sure, will be the first to rejoice in that success and in the demonstration which it will afford of the usefulness of the non-official element of this Council. If, on the other hand, the Panchayats which will be constituted under the Act are left severely alone, or if they are tried and found wanting; if the people show that they prefer the ordinary courts, and that when it comes to playing the game of litigation expense is no object; if, in a word, the Act does become a dead-letter, then we shall at any rate have achieved one result. We shall have demonstrated that the people after all prefer a trained to an untrained agency for the settlement of their disputes, and that there is no real desire to revert to the archaic simplicity of a mythical golden age. An experiment with merely negative results, moreover, is not without utility, and it is better that the Panchayat system should be tried, even if it is to fail, than that Government should continue to be exposed to the reproach that it is thwarting an alleged popular demand.

"However, it is not for the Member in charge of a Bill to express misgivings as to its operation, and I trust that I shall not be understood as sharing the views of those who indulge in pessimistic prophecies. I am the more emboldened to be hopeful by reason of the circumstance that the Bill in its present form counts among its sponsors those Hon'ble Members whose names are appended to the Report of the Select Committee. I hope that some of these will now recognise their obligation to their protégé and will follow me with a few words of benediction before the Bill is launched upon its career as an Act of Legislature."

The Hon'ble Mr. MUHAMMAD SHAFI:—"Some years ago when I appeared as a witness on behalf of the Muslim League before the Royal Decentralisation Commission I stated that the institution of Panchayats for the purpose of petty suits would be a simple and desirable reform. Now this measure has been brought forward as an experiment, and I am glad this has come about, and I hope that it will be passed in this Council. I was a Member of the Select Committee which went through the various provisions of the Bill as originally presented and introduced certain modifications. I am glad that this measure is a tentative measure, and I think under all circumstances it is in the highest degree desirable that the first step in this direction should be tentative. The Bill is now under experiment, and if it proves successful, there is every ground for thinking that it will be conferring a great benefit. With these words I welcome the enactment. Most sincerely do I wish that the efforts in this direction may prove successful."

The Hon'ble Khwaja AHAD SHAH spoke in Urdu, a translation of which is as follows:—

"Your Honour,—Previously in reply on behalf of the Government to one of my questions the Hon'ble Mr. TOLLINTON said that the Panchayat system would be introduced in the country to facilitate the receiving of justice and to curtail the expenses incurred in connection with the suits. Now the Bill before the Council is introduced with the view that the people of the country may not be put to heavy expenses in petty suits, and that they may receive a lesson in self-government. In my opinion everyone would bless the Government from the bottom of his heart for this good wish, and would feel obliged to the Government for these kindnesses. But in spite of this the question arises whether the people are fit for these Royal favours and whether this measure would produce rest in the country. From my knowledge as an inhabitant of this country I can say that, with the exception of those few persons who, as a result of this measure, would receive the honour and would pride themselves above their equals, the public would not be benefited in any

*Khawaja Ahad Shah; Khawaja Yusuf Shah; President.*

way, nor would they receive any pleasure therefrom, nor should they. Even now, marks of such like Royal favours are to be seen which I give under the following heads :—

“(i) Grant of powers of Honorary Magistrates.

“(ii) Grant of powers of local self-government.

“(iii) Majority of non-official Members in the Legislative Council.

“So we can very well infer from these what benefits have come to the country from these favours and how much the people value them; and this would show how far they would be or can be gainers from the present Bill.

“Sir, I can say without fear of contradiction that solidity of a Government is based upon justice, and that every one is found desirous of receiving justice. But can any one say that the justice administered by the Honorary Magistrates, who are to be found in large numbers in the country, in the cases affecting the life of man can satisfy any one? Not at this time, but at every time and in every country law has been thought to be the guiding star of justice. But when these people are ignorant of law, how can we then depend on their justice? Though to satisfy us it is said that these Magistrates are under the supervision of the District Magistrate, that only petty suits are heard by them, and that their administration affects the lower ranks only, yet it may be said in reply that even if the decision passed against law be set aside on appeal, what recompense is to come to the person who has by them suffered pecuniary and bodily loss. There is no reason why the people of the lower ranks should not value their honour. Though this same argument can apply against the stipendiary magistrates which is difficult to remedy, yet they know law. If they work in good faith and still make a mistake, the litigant would attribute it only to the weakness of their brain. While, on the other hand, the mistake by an Honorary Magistrate would be attributed either to his ignorance or to the local family influences and revenge. But its injurious effect falls upon the popularity of the Government. It is generally advanced as an objection that if, as is done in European countries, the Government may have it at heart to give us justice, we should not be left in the hands of such persons who are ignorant of law and who, in order to excel others in personal honour, take up this work, for which they are unfit. Besides, unfortunately there is discord in the country that always produces an injurious effect which concerns mostly the local people. Hence it is that the Government does not post any officer in his own city. So when this principle is actually accepted, there is no reason to overlook it so far as the establishment of Panchayats is concerned.”

The Hon'ble Khawaja YUSAF SHAH :—“I rise to a point of order.”

His Honour the PRESIDENT :—“So long as he is not personally libellous he cannot be stopped, provided he is relevant. Let him go on.”

The Hon'ble KHAWAJA AHAD SHAH continued :—“In short, the existence of these Honorary Magistrates teaches us that the reins of justice should remain in the hands of the Government whom God has appointed for us. Even if we receive an injury at its hands, we would put it down to our ill-luck. On the other hand, if we receive an injury at the hands of any of our countrymen, we would set it down to enmity. As these appointments are not permanent, when he leaves them people are ready to avenge themselves on him, and this forms the basis of discord in our country, which is very injurious to the Government as well as to the people.

“Your Honour,—Secondly, there are local self-governing bodies, as to whom it is admitted that the country has derived no good from their existence.

"In the Ludhiana municipality, 28 years previously, when the powers in regard to this committee were directly in the hands of the authorities and the members were appointed by nomination, the town-people were not at enmity with one another and did not wish one another ill, the district authorities themselves from their knowledge and sense of justice nominated selected men as members, who in view of their position and family status had the welfare of the people at heart. The annual income of the Ludhiana municipality at that time was between 65 and 66 thousand rupees. From the time the powers of local self-government have been granted and the method of selection has been adopted, respectable and suitable persons, for whom it was a disgrace to get votes, have been disabled for ever. And in their place people of the labouring class, who abound in every city, have come to be selected. The things have reached such a crisis that in addition to discord and malice which are attendant upon selection in this country, the income of the Ludhiana municipality amounted to Rs. 1,60,000, whereas according to the census there has been a decrease in population during the past 10 years owing to plague. The reason of this increase in income is not that Ludhiana has made an advance in trade or that any cantonment or any good department has been established, while, on the other hand, owing to branches of railways being opened coming-in of grain has become limited. So an estimate can be formed as to what benefit the country has derived from the grant of powers to these members. Another reason for the increase of tax is that as the scope of work,—according to themselves,—of these members is limited and they think it a necessity to take revenge from those who opposed their selection, they are always anxious to put their opponents to expenses in proportion to their powers. No doubt it may be said in reply that the fault lies with those who select them. But, Sir, what I mean to say comes to this that the people of this country are not yet capable of benefiting themselves from these favours of the Government. But from my own experience I can say that knowingly such a person is selected as member, who is the most ignorant and low person, in order to compete with respectable persons who are appointed by nomination. I am ready to admit that by these actions the Government wants to teach the people of this country a lesson to stand on their own legs, but what to do, and the proverb—'Father has got plenty of honey, but the temper of the boy is already hot' just fits in with this country.

"Thirdly, the Government has, as an act of Royal clemency, conferred on the people of this country the honour of selecting them as Hon'ble Members of the Legislative Councils. Doubtless those fortunate persons who are the recipients of this honour are very pleased, but the people of the country do not look upon their powers as instruments of usefulness, for they think that previously the burden of framing laws was on the Government, which by itself and with the idea that the people of the country might not be dissatisfied, always gave concessions in laws. But from the time these powers have been granted to the people of the country, this responsibility has been shifted from the shoulders of the Government, and has come upon the members of this country. But the people of this country do not appear to be satisfied at the grant of these powers owing to discord, enmity with one another and difference in religions. For instance, this year the expenditure of the Punjab has been estimated at Rs. 4,49,00,000, while in 1910-11 it was Rs. 3,49,00,000, that is to say, in the two years of the Council expenditure has increased by one crore of rupees. It is an admitted fact that when expenditure has increased, income will also have to be increased in the same proportion, and this burden will fall upon the public who cannot raise their voice, and who have not at all benefited from the extension of the Councils."

The Hon'ble Mr. FENTON :—"I do not see what this has to do with the Panchayat Bill, and I would ask that the Hon'ble Member be directed to confine himself to that question."

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

His Honour the PRESIDENT :—"The Hon'ble Member should come to the Panchayat-Bill."

The Hon'ble Khwaja AHAD SHAH continued :—"Therefore in my opinion the same results would come out of the establishment of Panchayats as are to be witnessed in the case of Honorary Magistrates, etc. There is another point worth mentioning, i.e., when according to the Civil Procedure Code arbitrators can be appointed in a pending suit with the consent of the parties and the Court can go thereupon, and other arbitration agreements executed outside the court are enforceable, there is no use of the Bill which has been brought forward, rather it would only lengthen the proceedings of courts. But if the Government has really at heart the object of saving its dear subjects from the extravagant expenses of litigation, then the civil law should be made simpler, and the cases should be decided in accordance with the religions of the people.

"Your Honour,—Litigation is based upon giving currency to custom, and if the custom be removed, cases would come to half of what they are now. Sir, the Bill before us is quite useless for such suits as are triable by Small Cause Courts. It is our daily experience that in such cases the parties settle the disputes themselves. The cases which put the parties to expenses are those relating to inheritance and big trade transactions or criminal cases which vitally affect them. As the Panchayat Bill does not affect these cases it is not right to expect that the country would be benefited thereby.

"For these reasons I oppose the Bill."

The Hon'ble Lala SULTAN SINGH :—"The Hon'ble Khwaja AHAD SHAH has been denouncing wholesale the system of Panchayats and the Honorary Magistracy: he had no justification to do so. I should like to refute his arguments as regards the Honorary Magistrates."

His Honour the PRESIDENT :—"I do not think there is any need to do so."

The Hon'ble Mr. SHADI LAL :—"Your Honour,—The Panchayat Bill is designed to provide a simple machinery for the disposal of suits cheaply and expeditiously. The Hon'ble Members will see that the Bill confers a jurisdiction upon the Panchayats, dependent upon the consent of the parties.

"As far as it goes it is quite harmless.

"As it is an experimental measure, it is not desirable that jurisdiction should be compulsory. Some of the Hon'ble Members and especially the Hon'ble Malik MUBARIZ KHAN think that the Panchayat depending for its jurisdiction upon the consent of the parties will not be of any use at all, and that the suitors will not resort to it. There may be something in that, but it seems to me that the success or failure of the Panchayats depends upon their *personnel*. The exemption from the payment of court-fee and the speedy disposal of suits nearer home will act as inducements and should attract suitors to these rural courts. As one who would like to see this measure to be a great success, I would suggest to you, Sir, that a great care should be used in selecting the members of the Panchayat. Only those persons who command the confidence of the people should be asked to perform these important duties. If men of the right sort are employed, I do not see why the measure should not be a success. As the measure is an absolutely experimental one, there is no reason at all to oppose it. It has my hearty support."

The Hon'ble Lala SULTAN SINGH :—"I have much pleasure in according my support to this Bill. Many criticisms have been met in the Bill as it emerges from the Select Committee, and it has been made much simpler in matters of detail.

"The prominent feature of this measure is to enable people to avoid costly litigation with respect to suits of small value and the harassment of going to

*Lala Sultan Singh ; Seth Adamji Mamooji ; Nawab Bahram Khan ;  
President.*

regular courts. It is an optional measure, and those who do not prefer to have their disputes settled nearer home, by their own men and at comparatively trifling cost, may refuse to avail themselves of the advantages offered.

"Ample safeguards have been provided. The parties can select their own judges from the list of a Panchayat. Dismissal of suits in default and *ex-parte* decrees can be set aside on revision. Thus the risk of miscarriage of justice by a Panchayat which the Hon'ble Khwaja AHAD SHAH so much fears is minimised. And after all, this Bill is not based on any new principle unknown to our village communities. It rather follows the traditional system of having their disputes settled by the elders and more experienced men from among themselves. I see no reason, therefore, to think that the establishment of such Panchayats should not prove a useful and successful experiment."

The Hon'ble Khan Bahadur Seth ADAMJI MAMOOJI :—"Your Honour, I entirely support the objects of this Bill. It should, however, without any reserve, be extended to all towns and villages in the Province if, as I understand, its main object is to relieve the poor class of people from the expensive and ruinous litigation which goes on at present in civil courts. This then brings me to one point which in the ordinary course will frustrate the beauty of this enactment, viz., the option given in section 7 of instituting a suit cognizable by Panchayat in any civil court having jurisdiction. If this section is permitted to stand as it is, there is every probability that a hard and unscrupulous plaintiff would sooner resort to ordinary civil courts than submit his case to a Panchayat, as with the assistance of legal advice such plaintiff is easily able to dupe an ignorant defendant and run matters to suit himself.

"With these remarks I support the passing of the Bill, as I understand that it will always be open to this Council to amend the provisions of the same in the light of practical experience."

The Hon'ble Nawab BAHRAM KHAN spoke in Urdu in support of the Bill.

His Honour the PRESIDENT :—"I am very much obliged to the non-official as well as to the official Members of this Council for the great interest and the trouble that they have spent upon this Bill, which has undoubtedly been greatly improved in form and substance by the proceedings of the Select Committee. The majority of the Members of the Select Committee were non-official Indian Members, for it was essential on a subject of this nature to obtain a full knowledge of non-official Indian opinion.

"I have been told that doubts were expressed by a great many people whether we were wise in introducing a measure of this kind. Some gentlemen of my acquaintance even told me that I was entering upon a very dangerous career in taking up this Bill. Apparently the Hon'ble Khwaja Sahib shares that view to some extent, but personally I do not feel the same doubts.

"There are indeed extraordinary difficulties on account of the differences in the customs, habits and conditions which exist in the various parts of a Province like the Punjab. In the matter of Panchayats there is a great deal of difference of views. The people of some districts are very sophisticated, and I might venture to say so quarrelsome and torn by faction that the Panchayat system could never be extended thereto, but such people do not cover the whole of the Punjab. There are many other districts, as we have just heard from the Hon'ble Nawab BAHRAM KHAN, where the people are now quite prepared to go to their leaders for assistance and get their disputes settled by them without having to go to the courts.

"I think the Bill will be useful in other ways as well, for it is the policy of the Government—and one in which I hope you will agree—that education should be given to the people in the matter of self-government. I can conceive no better way of doing this than the present measure. If I were



*President; Mr. Tollinton.*

to believe the Hon'ble Khwaja AHAD SHAH that this policy would prove to be absolutely unsatisfactory, I should be very sorry indeed for the Province. I do not believe that is the case in the slightest degree. We may well be fortified by our experience of the co-operative banks. These banks have been generally a success, and there has been no difficulty whatever in providing most excellent banks and administrators of those banks. And where these exist we have often found that the managers of the banks are already being resorted to as informal panches. The Hon'ble Members have seen it for themselves, and I think this is one of the most encouraging symptoms that have come before us. If there has been success in the case of the managers of our co-operative credit societies, there is no reason to doubt the ultimate success of a system of panches. Great care will be taken as to the places in which the Panchayat system will be started, and the members will be selected with the greatest care and caution. I hope the Bill will be a source of benefit to the people, and I trust it may be a success, and no one will be more rejoiced than I to see it a success."

The motion was put and agreed to.

### PUNJAB FOREST (SALE OF TIMBER) BILL.

His Honour the PRESIDENT :—" As it is now getting late we will take up the Punjab Forest Bill which is a comparatively short measure."

The Hon'ble Mr. TOLLINTON moved for leave to introduce a Bill to provide for the control of the sale of timber and the establishment of sale depôts for such timber in the Punjab. He said :—

" Section 41 of the Forests Act of 1878 lays it down that the control of all rivers and their banks, as regards the floating of timber, as well as the control of all timber and other forest produce in transit by land or water, is vested in the Local Government.

" For some years it has been apparent that Government was not adequately fulfilling its obligations in the matter. During the four years ending 1909 one private firm alone lost owing to theft more than a lakh of rupees worth of scantlings. Nor are private traders the only losers. The Forest Report of 1902-03 shows that there was a loss in 11 years of 32 per cent. of Government scantlings on the Chenab and 18 per cent. on the Sutlej. On the Jhelum the loss was 12 per cent. up to 1904, and it rose as high as 45 per cent. in 1906. So much for the damage that has been inflicted. The methods pursued are adequately described in the following passage from the letter recommending legislation to the Government of India :—

" ' As soon as the river leaves the hills and spreads out into several arms, adequate prevention becomes impossible. There are numerous islands whose banks are accessible to all sorts of conveyances, and it is here that people steal timber on a large scale. When a heavy flood comes, all the banks and islands are full of scantlings, left high and dry as the flood subsides. The villagers make a legitimate income by salving this timber, making it up into small rafts, and floating these down the river to the nearest depôt. A more profitable proceeding, however, is to come by night and remove the scantlings to villages some distance from the river bank, or bury them in the sand until a suitable opportunity for their disposal presents itself. An experienced Forest Officer estimates that there is not a village on the Jhelum riverain which is not concerned in this traffic. Hence evidence or information is next to impossible to get. The only cases that come to light are those which are betrayed by private enmity, and a check has been given to this kind of revenge by a recent murder of the betrayer.

*Mr. Tollinton; Sayad Mehdi Shah; The President; Mr. Muhammad Shafi; Mr. Shadi Lal; Mr. Fenton.*

"Even when information has been obtained, it is especially difficult to get a conviction. A receiver purchases a few logs from Government or a trader, and having removed the marks from the timber he has stolen produces his receipts in answer to a charge of theft."

"From a study of these methods it was obvious that the best way to deal with timber thefts was to take power to make rules for the establishment and registration of sale depôts and to prohibit the sale of timber elsewhere than at a registered sale depôt."

"Unfortunately such rules could not legally be framed under section 41 of the Forests Act."

"Legislation was therefore necessary and the original suggestion of this Government was to insert a chapter in the Forests Act providing for the control of the sale of timber and the establishment of sale depôts. But it is not a sound principle to insert in a general Act provisions which will have local application only and the Bill has accordingly taken its present shape, that of a separate enactment."

"It will be noted that it is a measure, which will only come into force in such areas as are notified by the Local Government."

"Penalties are provided for the infringement of the rules; these do not appear to err on the side of severity in view of the magnitude of the evil and the great importance of the interests involved."

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) be circulated for the purpose of eliciting opinion thereon; and
- (2) be referred to a Select Committee consisting of the Hon'ble Mr. SHADI LAL, the Hon'ble Mr. CURRIE, the Hon'ble Mr. Sayad MEHDI SHAH and the mover.

The Hon'ble Sayad MEHDI SHAH suggested the addition of the name of the Hon'ble Seth ADAMJI MAMOOJI which was accepted.

The motions were put and agreed to.

#### COLONIZATION OF GOVERNMENT LANDS (PUNJAB) BILL.

His Honour the PRESIDENT.—"The Council will be adjourned till to-morrow, when the Bill for the colonization and administration of lands will be taken up."

The Hon'ble Mr. MUHAMMAD SHAFI:—"May I ask that the Council should not be held to-morrow."

His Honour the PRESIDENT:—"Then it may be adjourned to Saturday, the 13th."

The Hon'ble Mr. SHADI LAL:—"I have in a way settled my amendments with the mover of the Bill, Hon'ble Mr. FENTON, and I do not think it will take a long time if Your Honour takes it up to-day."

His Honour the PRESIDENT—"Very well, we will take it up now."

The Hon'ble Mr. FENTON 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.

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

The motion was put and agreed to.

*Mr. Shadi Lal ; Mr. Fenton ; President ; Mr. Muhammad Shafi.*

The Hon'ble Mr. SHADI LAL :—"My first amendment deals with clause 12. Under clause 10 provision is made for the issue of the statements of conditions on which colony lands are to be held by tenants under the present Act. All I propose is that the privileges granted by clause 12 should be applicable to tenants holding under such statements of conditions as well as to tenants holding under the Act of 1893. I accordingly propose that the words 'issued under the Government Tenants (Punjab) Act, 1893' be omitted."

The Hon'ble Mr. FENTON :—"I see no objection to the omission of these words."

The motion was put and agreed to.

The Hon'ble Mr. SHADI LAL :—"My second amendment deals with clause 14. The Proviso to Clause 14 mentions 3 sections,—20, 21 and 22. I find that section 23 also deals with the matter of succession. What I propose is that in the proviso to clause 14 section 23 should be added. It is a mere omission. I think there will be no objection."

His Honour the PRESIDENT :—"This amendment can be accepted."

The motion was put and agreed to.

The Hon'ble Mr. MUHAMMAD SHAFI :—"I may point out that the term 'ratified' does not seem to be appropriate. The word 'ratified' as I understand has a legal significance. It means that an act had been done by somebody on behalf of another person and ratified by that person, that it would require an act to be done by somebody on behalf of another person. This implies the existence of another person.

His Honour the PRESIDENT :—"What would you propose?"

The Hon'ble Mr. MUHAMMAD SHAFI :—"Either the word 'supported' or 'evidenced'."

The Hon'ble Mr. FENTON :—"I would point out that there is nothing in its etymology to support the limited interpretation put by the Hon'ble Mr. MUHAMMAD SHAFI on the word 'ratified'."

On His Honour the PRESIDENT saying that he could not think of a better word, the matter was dropped.

The Hon'ble Mr. SHADI LAL moved that at the end of sub-clause (a) of clause 20 the words "in the male line of descent" be added. He said :—"My third amendment is important. Under clause 20 the succession will devolve first on the 'male lineal descendants'; but the term 'male lineal descendants' would include daughter's sons, and this is not, I think, what is intended. I think it will be better to make the meaning more clear. I would propose that we should adopt the wording of section 59 of the Tenancy Act, and should add the words 'in the male line of descent'. Clause (a) of the section would then read as follows :—

(a) The male lineal descendants of the tenant in the male line of descent. (The term "lineal descendants" shall include an adopted son whose adoption has been ratified by a registered deed.)

I have also, with the concurrence of the Hon'ble Member in charge to propose that in the body of clause 20 the words 'from an original tenant' following the words 'otherwise than by succession' should be altered to 'from a tenant'. The object of this change is to include alienations by aliens other than original tenants."

The Hon'ble Mr. FENTON :—"I support the amendment."

The motion was put and agreed to.

*Mr. Shadi Lal ; Mr. Muhammad Shafi ; Mr. Fenton ; President.*

The Hon'ble Mr. SHADI LAL moved that in clause 21 the words "otherwise than by succession" should be omitted. He said:—"The next clause—21—is intended to provide for cases of succession which are not covered by clause 20. After reading clause 21 I came to the conclusion that there were some cases which were not covered by it, and I drew the Hon'ble Mr. FENTON's attention, through the Secretary, to this omission. The clause has since been under consideration, and the Hon'ble Mr. FENTON and I have prepared another draft of the clause. It is as follows:—

"When after the commencement of this Act any tenant dies other than a tenant to whom succession is regulated by the provisions of section 20, the succession to the tenancy shall devolve upon the person or persons who would succeed if the tenancy were agricultural land first acquired by the highest ancestor from whom the tenancy has devolved in unbroken succession to the deceased tenant."

I do not know that the draft is altogether satisfactory, but it is the best that could be done in the short time available."

The Hon'ble Mr. MUHAMMAD SHAFI:—"I do not quite understand why the father of the original tenant is referred to and why the original tenant himself is not treated as the first person who acquired the land."

The Hon'ble Mr. FENTON:—"I believe this change was made in deference to the wishes of the colonists themselves. Last year the Hon'ble Mr. DOUIE made enquiries at an informal meeting held in the Lyallpur colony, and ascertained that this was the rule the colonists desired."

His Honour the PRESIDENT:—"I think that the amendment now proposed is a little obscure."

After some further discussion the Hon'ble Mr. FENTON said:—"There is an alternative amendment which I have suggested. It is that between the words 'his tenancy in succession' and 'from an original tenant' the words 'directly or indirectly' should be inserted, and that for the words 'from an original tenant' where they follow the words 'otherwise than by succession' should be substituted 'from a tenant'."

The Hon'ble Mr. SHADI LAL:—"The only objection to this amendment is that it is very difficult to know whether it will cover all cases. There might be cases which will not be covered. It is desirable to make the clause as general as possible, so that it shall include all cases not covered by clause 20."

The Hon'ble Mr. FENTON:—"I challenge Mr. SHADI LAL to produce cases that will not be covered by this amendment."

The Hon'ble Mr. SHADI LAL:—"I cannot at once quote such a case. But my object is to make the whole thing as clear as possible."

His Honour the PRESIDENT:—"I will put the amendment now proposed by the Hon'ble Mr. FENTON to the Council."

The amendment was put and carried.

His Honour the PRESIDENT:—"There is now no need to put the Hon'ble Mr. SHADI LAL's amendment."

The Hon'ble Mr. SHADI LAL withdrew the following amendment standing in his name:—

"That in clause 26 for the words 'sections 24 and 25' the word and figures 'section 24' be substituted."

"As regards clause 26, my object was to correct what I thought a mistake. I have consulted the Hon'ble Mr. FENTON, and in view of what he has said, I do not want to press it."

His Honour the PRESIDENT:—"Very well."

*President ; Mr. Shadi Lal ; Mr. Fenton.*

Before moving the following amendment that stood in his name :—

“ That in clause 34 for the words ‘ *whether after conviction of the offence under that section or otherwise* ’ the words ‘ *after conviction of the offender under that section* ’ be substituted,”

the Hon'ble Mr. SHADI LAL said :—“ My next amendment deals with section 34. The object of my amendment is that if a Collector decides that a prosecution should be started against any person who comes under section 33, and if that person is found guilty, the Collector should be entitled to take action against him under section 34. But he should not take action against him if the Criminal Court decides in favour of the accused. The amendment which I now wish to propose has been accepted by the Hon'ble Mr. FENTON and I will read it.”

The Hon'ble Mr. FENTON :—“ The amendment is with me. It runs— ‘ he may, in lieu of proceeding against the offender under that section or after a conviction of the offender under that section.’ ”

The amendment was put to the Council and agreed to.

The Hon'ble Mr. SHADI LAL withdrew the following amendment standing in his name :—

“ That in clause 38 (1) for the words ‘ by any officer holding the post of Colonization Officer, Assistant Colonization Officer or Settlement Commissioner, or exercising the powers of an Assistant Collector or of a Revenue Officer of higher class ’ the words ‘ by a Revenue Officer ’ be substituted.”

“ I spoke to the Hon'ble Mr. FENTON with regard to this amendment, and in view of what he said, I do not press it. I therefore withdraw it.”

The Hon'ble Mr. FENTON :—“ I now move that the Bill be passed. In doing so, I do not think that I can be charged with advocating haste in legislation. From the Government point of view there is not, and never has been, any urgent need for haste. We have been getting on very well under the Act of 1893. The powers of Government under the various statements of conditions are sufficient for all present administrative purposes, and legislation is not urgently required to reinforce their provisions. It is rather in the interests of the colonists themselves that I now bring forward this measure for final disposal. In a recent tour in the Chenab Colony, and in the course of my appellate and revisional work, it has been brought home to me that both officials and colonists are rather at sea in dealing with questions of succession to tenancies. The legal position, as I explained when introducing the Bill, is that the provisions of the Punjab Tenancy Act, restricting heirship to male lineal descendants of the original tenant, are applicable. Meanwhile the wider privileges of the present Bill have become known, and chief among these is the privilege of nominating a successor.

“ This privilege must be exercised before acquisition of proprietary rights, if it is to avail against reversioners who are excluded by such nominations. Consequently any delay in the passing of this Bill creates an inconvenient dilemma for those tenants who desire to exercise the privilege in question. If they purchase proprietary rights before the Bill comes into operation, they will forfeit the statutory privilege of nominating an heir. On the other hand, delay in purchasing proprietary right means delay in the realization of an enormous boon. How great this boon is has probably never been fully realised by the public. I have come across several instances recently in which peasant colonists who have been allowed by Government to purchase their holdings at the rate of Rs. 346 per square have promptly re-sold at rate exceeding Rs. 5,000 per square and have departed to enjoy their profits in their home districts.

*Mr. Fenton ; Syad Mehdi Shah ; President.*

"It must be admitted that the interests of the Administration also require that the Bill should be passed, at any rate, before colonization on the new canals commences, because the procedure for the allotment of land which is provided in clause 10 of the Bill is very much more simple than the system of registers under the Act of 1893. The preparation of new statements of conditions will also be facilitated by the circumstance that much of what has heretofore been included in such statements is now provided for in the Act. Of the new colonization, it is unnecessary to say more here, except to express my belief that the Council will concur in the general proposition that we are justified by the past results of colonization in endeavouring to dispose of the public estate on the new canals on terms which will secure to the public exchequer a return more commensurate than heretofore with the value of the property disposed of.

"With these remarks I move that the Bill be passed."

The Hon'ble Khan Sahib Sayad MEHDI SHAH spoke in Urdu, a translation of which is as follows:—"Your Honour,—I cannot speak more lucidly in regard to this Bill than has been just now done by the Hon'ble Mr. FENTON. But still, in view of the experience I have gained during the last 12 years by residing permanently in the Chenab Colony and the advantage I have had by working as a Member in the Select Committee, I think it would not be out of place if, in the capacity of a colonist, I lay the following few facts before the Council:—

"(1) Such a law was urgently required for the colonies. The absence of such a law had engendered many causes of disputes and troubles for the future, and it was not possible to remove them without such a law. The enactment of this law has set the fear of these troubles at rest.

"(2) The occupancy and non-occupancy tenants have been granted those concessions,—i.e., facilities in regard to rights of succession, liberty for temporary absence, period allowed for sub-lease, nominal penalty for infringement of the conditions, security of the rights of tenants from the order or decree of a court, etc.,—which even the original landlords in the Punjab do not enjoy. These concessions are far above the expectations of the colonists and those which they would have gladly accepted. As a result the Government tenants will be even more prosperous than the original proprietors in the Punjab. On behalf of myself and my colonist brothers, among whom I live, I tender my hearty thanks to the Government and those officers who have taken so much trouble in framing the Bill. For the above reasons, I beg to submit that the Bill be passed."

His Honour the PRESIDENT:—"Legislation in connection with the Government colonies has now been before the public for a long time, and our attitude in regard to it has been to welcome all possible suggestions which would tend to make it more useful. The Government is desirous that the colonists should receive to the full the reward of their labours. I would also point out that the present Bill makes questions of succession to tenancies very much easier, and I am certain that the modification of the rules of succession will be greatly appreciated by the colonists.

"I also have learnt of cases in which the colonists have disposed of their squares. There may have been urgent reasons for such sales, but otherwise I can only attribute this to their foolishness in not realising the value of the property they have parted with, and I trust that such cases may be rare."

The motion was put and agreed to.

#### ADJOURNMENT.

The Council adjourned *sine die*.

LAHORE :

S. W. GRACEY,

The 29th April 1912. }

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 2nd October 1912, at 11 A.M.

## PRESENT :

His Honour Sir LOUIS WILLIAM DANE, G.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, Tiwara.

The Hon'ble Mr. CLAUD ALEXANDER BARRON, C.I.E., 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 Bahadur Sayad MAHDI SHAH.

The Hon'ble Khan Bahadur Seth ADAMJI MAMOOJI.

The Hon'ble Khan Bahadur Khwaja YUSAF SHAH.

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

The Hon'ble Baba GURBAKSH SINGH BEDI, C.I.E.

The Hon'ble Khwaja AHAD SHAH.

The Hon'ble Rai Bahadur HARI CHAND.

The Hon'ble Rai Bahadur SHADI LAL, Barrister-at-Law.

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

The Hon'ble Khan Bahadur Miran MUHAMMAD SHAFI.

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 Mr. REGINALD ARTHUR MANT, I.C.S.

*The President; Khawaja Yusaf Shah.*

TRIBUTE TO THE LATE SIR ROBERT EGERTON.

His Honour the PRESIDENT :—"Gentlemen,—Before proceeding with the business of the day I must mention to you that just before I entered this room I have seen a telegram that one of my predecessors, Sir Robert Egerton, has just died. All the offices of the Punjab Government have been closed to-day as a mark of respect. But I am certain that Sir Robert Egerton would have been the last man in the world to wish that the Hon'ble Members of this Council should be put to any personal inconvenience by adjourning the Proceedings of to-day, as many have come from a distance in order to attend the meeting. I am afraid there are few of you here who knew Sir Robert Egerton. I think that the Hon'ble Mr. DIACK perhaps met him just before he retired, and perhaps the Hon'ble Khawaja YUSAF SHAH may have known him at Amritsar. He was one of the most distinguished Lieutenant-Governors who have presided over the administration of the Punjab, and without fear of contradiction I can confidently state that he was the most stately Lieutenant Governor who ever resided in Barnes Court and Government House, Lahore. It was my good fortune to have been his Private Secretary for 2½ years, and I therefore labour under a strong feeling of personal loss. It was Sir Robert's lot to live in those years when a Lieutenant-Governor was called upon to take a very direct and personal interest in all forms of activity in the Punjab. Nowadays, as you are aware, it is the duty of the Lieutenant-Governor to suppress himself as much as possible, in order that full opportunity may be given to private enterprise and local bodies to play their great and increasing part in the development of this Province. In those days, most of you may remember, things were very different, and no man could have been better fitted than Sir Robert Egerton to play that personal part in the administration of the Punjab. He had a more marvellous memory than any man whom I have had the chance to come across. There was really nothing that he did not know something about, and about most things he had a wonderful fund, an almost surprising fund, of information available—whether it was the best way of building a bridge or the best way of digging a canal, or the exact population of a district or town, or the best way of planting potatoes—nothing was too great and nothing was too small for his memory. One of the most pleasant features of his administration was that his great memory was specially marked in questions of remembrance of persons and faces. He was for 9 years the Financial Commissioner of the Province, which was of course a great piece of good fortune, as the Financial Commissioner's post is one of the most interesting in the administration of the Punjab. During those 9 years he travelled repeatedly all over the Punjab. It was quite a wonder to all to find that when he went to a district he knew not only the leading men in the district,—that some of us are able to do, but he knew all the lambardars, and he would ask various people how their uncles and grandfathers were. In consequence of this, his personal influence throughout the Punjab was something striking, and I think, I may almost say, unexampled either before or afterwards. It is not my intention now to attempt to pronounce an obituary notice in detail of so distinguished an administrator. I have had no time to think over it, but I feel sure that, though most of you may not have known him personally, you have heard of him often and you will authorise me to communicate to his widow and family, many of whom have played a prominent part in the administration of this country, an expression of sympathy from the Punjab Legislative Council."

QUESTIONS AND ANSWERS.

The Hon'ble Khan Bahadur Khawaja YUSAF SHAH asked :—"In view of the discontent as regards slowness of promotion in the Punjab Provincial Civil Service and the hardship caused to juniors by retention of superannuated



*Khawaja Yusuf Shah ; Mr. Barron ; Mian Muhammad Shafi ; Mr. Tollinton.*

officers, will Government be pleased to kindly adhere rigidly to the rule requiring retirement at 55 years, as in the cases of officers of the Public Works Department ? ”

The Hon'ble Mr. BARRON replied : —“ It is not usual to speak of an officer as ‘superannuated’ until after he has retired and been placed on pension. An officer in superior service who has attained the age of 55 years may, at his option, retire on pension. But there is no rule applicable to the Punjab Provincial Civil Service which requires the retirement of an officer at 55 years of age. Government may compel any officer to retire at that age, but in each case Government is required by article 459 (b) of the Civil Service Regulations to consider whether by the retirement the State will be deprived of the valuable experience of a really efficient officer and an unnecessary addition will be made to the non-effective charges. Extensions of service are, therefore, frequently given year by year to really efficient officers so long as they are efficient, but not beyond the age of 60, after which an officer is not retained in the service of Government save in very exceptional circumstances.

“ Government is not of opinion that promotion in the Provincial Civil Service of recent years has been unduly slow, and is not aware that any discontent exists on this subject. On the other hand, it is well known that every efficient officer expects to be granted an extension of service after he reaches the age of 55 years. It is very questionable if the 55 years rule, which applies usually to services mainly recruited out of India in which climatic conditions may more easily affect efficiency, can with advantage be applied to a service recruited wholly in India, such as the Provincial Civil Service, though great care is always taken to see that only efficient officers are kept on beyond that age and each such officer's case is scrutinized by several authorities every year.”

The Hon'ble Khan Bahadur Mian MUHAMMAD SHAFI asked :—“ In view of the marked increase of crime in the Punjab during the year 1911, more particularly of the increase of serious offences against property, and having regard to the considerations mentioned in paragraph 27 of the Report on the Police Administration in the Punjab for that year and to the fact that this class of criminals, who constitute an undoubted danger to the peaceful and law-abiding portion of the population, generally commit their depredations away from their own villages, what action does the Government propose to take in order to restrict the movements of persons from whom security for good behaviour has been taken under section 110, Criminal Procedure Code, or who have been convicted of offences against property mentioned in that section ? ”

The Hon'ble Mr. TOLLINTON replied :—“ The attitude of Government towards the question of restricting the movements of habitual offenders may be gathered from the following extract from the review of the Police Administration Report for 1911 :—

‘ His Honour is disposed to agree that our arrangements for security and surveillance are inadequate. His Honour will consider further in this connection the suggestion that the more serious class of bad characters should have their movements restricted as in the case of members of criminal tribes. It appears to His Honour that it is illogical to take this extreme measure in the case of criminal tribes addicted mainly to hereditary petty larceny and to have to confess that all our attempts to bind down the more desperate pests of society by security and surveillance fail, merely because we cannot take the same steps to restrict the movements of the criminal individual as we do with the so-called criminal tribes.’

“ The question is now under the consideration of the Inspector-General of Police and Legal Remembrancer.”

*Mr. Shadi Lal ; Mr. Barron.*

The Hon'ble Mr. SHADI LAL asked :—“(a) Will the Government be pleased to state what toll is levied upon pedestrians and vehicles using the bridge-of-boats for crossing the Ravi River at Lahore ?

“(b) Will the Government consider the desirability of abolishing the toll ? ”

The Hon'ble Mr. BARRON replied :—“The toll levied from a foot-passenger crossing the Shahdara bridge-of-boats over the River Ravi is 3 pies. The tolls levied on vehicles vary from Re. 1 to 1' anna according to the class of vehicle, and whether it is laden or unladen. A system of monthly passes at reduced rates also obtains for both foot-passengers and vehicles. The details are complicated. They were published in Punjab Government notification No. 299, dated the 2nd March 1903, as modified by notification No. 1041, dated the 3rd October 1903, and they are exhibited on notice boards at the toll houses.

“As to (b), The question of abolishing the tolls was considered recently by Government at the instance of the Lahore Municipality, but in view of the cost of maintaining the present boat bridge and of the possible construction of a masonry bridge to take the place of the bridge-of-boats which would necessitate a reconsideration of the whole question, the Lieutenant-Governor decided not to make any change in the existing arrangements.”

The Hon'ble Mr. SHADI LAL asked :—“Will the Government state what steps have been taken to give effect to the provision in the current budget for increasing the pay of clerks getting Rs. 30 or less ? ”

The Hon'ble Mr. BARRON replied :—“With Your Honour's permission, I propose to answer this question and the question put by the Hon'ble Rai Bahadur HARI CHAND on the same subject together. In March last a proposal was submitted to the Government of India that all clerks serving under the Punjab Government, whose pay, or the maximum pay of whose appointments, did not exceed Rs. 30 per mensem should receive an all-round increase of Rs. 2 per mensem. The estimated cost of this proposal is Rs. 77,400 per annum ; and the final sanction of the Secretary of State is necessary before it could be introduced. The Government of India, however, considered that before a comprehensive increase of salaries could be granted, an enquiry should be held into the work now done in the various offices with a view to the introduction of a better system by which all unnecessary registers and returns, etc., which add to the work, might be abolished and the number of clerks reduced, the money thus set free being utilised towards improving the grades of the clerks who remained. This Government pointed out in reply that enquiries of this nature take a considerable time, and that wide disappointment would be caused if the long-desired relief to the lowest paid grades of clerks were postponed until elaborate enquiries were made, and urged that the proposal already put forward should be sanctioned pending the result of the enquiry. The Government of India have, however, felt themselves unable to agree to this course ; and a Committee will accordingly be appointed during the cold weather to go into the question and submit a report. His Honour regrets, therefore, that the question of ameliorating the salaries of clerks on Rs. 30 and less must remain in abeyance for the present.

“With regard to the portion of the Hon'ble Rai Bahadur HARI CHAND's question which relates to the revision of the Subordinate Educational Service, I would refer the Hon'ble Member to the reply given by the Hon'ble Mr. GODLEY to a similar question put by the Hon'ble Mr. SHADI LAL.

“Primary school teachers are employes of local bodies. The pay of teachers employed by District Boards has recently been increased throughout the Province.”

*Mr. Shadi Lal ; Mr. Godley.*

The Hon'ble Mr. SHADI LAL asked :—“ Will the Government be pleased to lay on the table a statement showing the proportion of students per million of population in the Punjab and the United Provinces in (1) Colleges, (2) secondary schools, and (3) primary schools of all kinds in the two quinquennial periods 1901-02 to 1905-06 and 1906-07 to 1910-11 ? ”

The Hon'ble Mr. GODLEY replied :—“ The Hon'ble Member presumably refers to the quinquennial periods 1902-03 to 1906-07 and 1907-08 to 1911-12. If that is the case, the comparative statistics asked for will be found in the quinquennial reports for the Punjab and the United Provinces which will be published within a month or two. The figures for the last quinquennium relating to the United Provinces have not yet been made available. Those relating to the Punjab for 1906-07 and 1911-12 are laid upon the table.\* ”

The Hon'ble Mr. SHADI LAL asked :—“ (a) Is it a fact that there is a proposal to abolish the Vernacular Middle School at Nadaun, District Kangra ? Is the Government aware that the proposal has created great dissatisfaction among the inhabitants of Nadaun and its neighbourhood who are, if necessary, ready to meet partly the expenses of maintaining the school ?

“ (b) What is the area of Kangra District ? How many secondary schools are maintained by the Government and local bodies in that district ?

“ (c) In view of the backwardness of education in that district and the wishes of the people of Nadaun to have a school there for their children, will the Government be pleased to order that the proposal, if any, of abolishing Nadaun school be dropped ? ”

The Hon'ble Mr. GODLEY replied :—“ The Kangra District, excluding Kulu, Lahaul and Spiti, covers 2,527 square miles. One high school is maintained by Government, and the District Board maintains three middle schools in Kangra proper and one in Kulu. The Dharmasala Municipal Committee also maintains a middle school, and another at Kangra is under private management. The Vernacular Middle School at Nadaun is maintained by the District Board. It is understood that the Board consider that the Nadaun Middle School is not sufficiently central for the area which it is intended to serve, and as comparatively few of the pupils come from Nadaun itself, they propose to convert it into a primary school, replacing it, so far as the Middle classes are concerned, by two middle schools situated at the head-quarters of the two tahsils which the river separates at Nadaun. The Inspector states that the people of Nadaun have done nothing to establish any special claim to retain the school at Nadaun, and that they failed to give assistance when an opportunity was afforded recently. The proposal of the District Board has been made with the object of extending higher vernacular education in a backward district, and as such it should command general approval. ”

The Hon'ble Mr. SHADI LAL asked :—“ Is the Government aware that in Madras where female education has made greater progress than in the Punjab, the Local Government has sanctioned the establishment of a large number of new girls' schools and the grant of scholarships for girls to induce them to remain in the school for the full period ? Will the Government be pleased to state what special steps, if any, have been taken to quicken the rate of progress in the Punjab ? ”

The Hon'ble Mr. GODLEY replied :—“ The Government of Madras are reported to have recently sanctioned a considerable increase in the scholarships tenable in girls' schools, and it is possible that there has been an increase in the number of girls' schools established in Madras, as has also happened in this Province. The award of scholarships to girls at the lower stages of education in the Punjab is on a liberal system : the expenditure on scholarships for girls

\*See Appendix A.

*Mr. Godley ; Mr. Shadi Lal.*

has risen during the quinquennium from Rs. 15,000 to Rs. 27,000, and the number of scholarships has nearly doubled. The rates of stipends tenable in training institutions for women students have been increased throughout. Changes in the system of award and in the number and amount of scholarships for girls are now being considered."

The Hon'ble Mr. SHADI LAL asked :—" Will the Government be pleased to state how many girls' schools and of what grade are maintained by the Government in this Province ? "

The Hon'ble Mr. GODLEY replied :—" Girls' schools in the Punjab are not directly maintained by Government, but many receive aid from provincial funds. The only exception is Queen Mary's College, Lahore, which it has been decided to make entirely a provincial institution. "

The Hon'ble Mr. SHADI LAL asked :—" Will the Government lay on the table a statement showing the number of normal schools for women, the year of the establishment of each school, the number of the pupils who have passed out every year, and the number of the pupils now in the school ? Is the number considered commensurate to the wants and the future development of the female education in the Punjab ? "

The Hon'ble Mr. GODLEY replied :—" The Punjab has one normal school for women, and there are several training classes attached to secondary schools for girls which augment the supply of teachers. The number of students in the Normal School has in recent years averaged about 20 : 10 of them passed the teacher's certificate examination last year, in addition to 21 from training classes. The supply of teachers is inadequate for the needs of the school, chiefly owing to the general unwillingness of women to become teachers. It is now proposed to start more local training classes, women candidates being reluctant to attend a central school far from their homes. "

The Hon'ble Mr. SHADI LAL asked :—" (a) Has the attention of the Government been drawn to the following remarks in the report of the Director of Public Instruction in the Punjab for 1910-11 :—

' In Rohtak and Hissar, the Inspector says, " tending cattle is preferred to education " ' (paragraph 18).

' Short-time schools are in theory the best means of bringing education within the reach of agriculturists' children employed to help in field work, but their success pre-supposes a belief in the advantages of reading, writing and figuring without the ulterior motive of seeking for non-agricultural employment, and from the failure of the zamindari schools formerly instituted in the Punjab to meet the special needs of the agricultural classes, it might be inferred that this stage has not been reached as yet ' (paragraph 30).

" (b) Is the Government aware that in Ceylon, where 88 per cent. of the population is rural, education has been popularised amongst rural classes by means of school gardens, and that rural education has been popularised in the Central Provinces by means of flower gardens, vegetable gardens and crop plots ?

" (c) Will the Government be pleased to consider the feasibility of making the existing mode of instruction more attractive and valuable than it is, by attaching school gardens to every rural school and by placing it in charge of a staff of trained men who will visit each school once or twice a week for instruction ? "

*Mr. Godley; Mr. Shadi Lal; the President.*

The Hon'ble Mr. GODLEY replied :—" The question whether direct agricultural instruction could be profitably added to the primary school curriculum was discussed in the last Educational Conference, and it was decided not to recommend any radical departure from the scheme of study now laid down for rural schools, which includes observation lessons relating to plant life. The revised scheme drafted by the Conference has since received the approval of Government. Many schools in the Province have small garden plots which are intended to illustrate the teaching : it is not proposed to make these gardens obligatory, or to place them under the charge of agricultural experts. Government is not aware that the extension of education amongst the rural classes in Ceylon or any other country has been hastened by means of school gardens, although such gardens, when intelligently utilised, are doubtless a valuable appanage of school instruction. "

The Hon'ble Mr. SHADI LAL asked :—" Will the Government be pleased to state how many normal schools have got agricultural farms attached to them ? How many vernacular middle schools have got demonstrative farms ? Is agriculture taught in the schools ? "

The Hon'ble Mr. GODLEY replied :—" Four of the five normal schools maintained by Government have small plots of land which are utilised for simple lessons relating to cultivation, and in which the students themselves work. In Delhi suitable land adjacent to the school cannot be obtained. The plots are not intended to be demonstration farms, but to be used for general educational purposes. A little elementary agricultural instruction is given : agriculture, however, can hardly be said to be taught as a subject, nor would it be possible to teach it thus in the limited time available for training. "

The Hon'ble Mr. SHADI LAL asked :—" (a) Will the Government lay on the table a statement showing the Government industrial schools in the Punjab and the nature of the industries taught therein ?

" (b) What steps have been taken to carry out the recommendations of the Industrial Conference held in 1911 ?

" (c) When did the Industrial Committee visit industrial centres, and what recommendations has it made ? When is the report of the Committee expected to be published ?

" (d) Will the Government consider the desirability of introducing the study of at least one industry in the scheme for Government high schools ? What steps, if any, have already been taken in this connection ? "

The Hon'ble Mr. GODLEY replied :—" Copies of the report of the Committee on Industrial Education, which was convened as a result of the Conference of 1911, are laid upon the table. The report is still under the consideration of Government. With regard to the last part of the question, the course of study for high schools is determined mainly by the requirements of the University Matriculation Examination, and to bring industrial work within the limits of the already crowded time-table would be difficult. It is intended, however, to attempt the introduction of this form of training as soon as the services of a skilled instructor have been secured for the Training College. "

His Honour the PRESIDENT :—" I might supplement this answer by saying that one of the reasons for the delay in question in the publishing of the report of the Committee on the Industrial Schools was that very shortly after it was written the Government of India appointed a travelling Committee of two highly qualified gentlemen, Colonel Atkinson, of the Roorkee College, and Mr. Dawson, of the Victoria Industrial School in Bombay. They were to go all

*The President ; Mr. Shadi Lal ; Mr. Godley ; Mr. Tollinton.*

over India and examine into the question of industrial education, more particularly with reference to the openings for employment for persons industrially trained. These two gentlemen made searching enquiries, and it was hoped that we would be favoured with a copy of their report as soon as it was ready. It appeared to the Hon'ble Mr. GODLEY, and also to me, that it was exceedingly desirable that, before basing any final decision upon the report of the Punjab Industrial Committee, the report of the Government of India Committee should be carefully studied with that report. We have been favoured with a copy of that report, which the Hon'ble Members will no doubt see shortly. It is a most striking and useful compilation as might be expected. I understand that the report is being again committed to the Provincial Committee with a view to their considering whether, with reference to the remarks contained in the report of Colonel Atkinson and Mr. Dawson, they would wish to make any further alterations or suggestions. The extension of industrial education is one of the objects which the Government has particularly at heart, but we are anxious to secure that extension on the best and most practical lines."

The Hon'ble Mr. SHADI LAL asked :—"With reference to the resolution relating to the medical inspection of students passed at the last Educational Conference and the consensus of opinion among the educationists as to the pressing need for taking practical steps in that direction, will the Government consider the feasibility of appointing at an early date a special Medical Inspector who should be subordinate to the Director of Public Instruction and whose duties should be to visit the different schools in the Punjab and conduct a periodical medical inspection of the students?"

The Hon'ble Mr. GODLEY replied :—"As a result of the general interest aroused in the question of the medical examination of school and college students, several school authorities and local bodies have been arranging for such inspections. The Hon'ble Member has not made it clear how the medical inspection of the school population of the Province, which numbers more than 300,000 in the public schools alone, could be carried out by a single Medical Officer. Such an officer could only organise and co-ordinate inspections, and the justification for his appointment would lie in the willingness of the local authorities to institute them. The movement has the Lieutenant-Governor's warm approval, and as soon as there is evidence of its having sufficiently advanced, the question of the appointment of a special officer will receive His Honour's consideration."

The Hon'ble Mr. SHADI LAL asked :—" (a) Will the Government be pleased to consider the desirability of having a special ward for students in the new King Edward College and Hospital to be built at Lahore ?

" (b) Is it a fact that Colonel Hendley, when he was the Civil Surgeon of Lahore, proposed to the Government that a special dispensary should be opened in Lahore for the students of all the colleges? What action did the Government take on the above proposal? Will the Government lay on the table the papers dealing with this question?"

The Hon'ble Mr. TOLLINTON replied :—" (a) The plans for the new King Edward Memorial Hospital at Lahore include a special ward for students. This is all that can be said at present. The plans are not finally approved.

" (b) It is a fact that Government was approached in 1906 by the Medical authorities with a view to providing such a ward. His Honour the Lieutenant-Governor viewed the scheme with favour, but the question of expense and of contributions by the affiliated colleges required further examina-

*Mr. Tollinton ; Mr. Shadi Lal ; Mr. Godley.*

tion. Eventually the idea was merged in the King Edward Memorial. As this latter scheme is now being finally worked out with the Committee with a view to ascertaining how, with due regard to the funds available, the objects of the Memorial can best be secured, papers cannot at present be laid upon the table."

The Hon'ble Mr. SHADI LAL asked :—“(a) Will the Government be pleased to state when the Government of India are likely to accord sanction to the scheme for the improvement of pay and prospects of the members of the Subordinate Educational Service, for which provision has already been made in the current budget? Will the Government bring to the notice of the Government of India the desirability of bringing the scheme into operation without any further delay and thereby removing the legitimate and widespread discontent of the above-mentioned public servants?

“(b) With reference to the recent *Press Communiqué* of the Education Department postponing the consideration and sanction of the scheme for the improvement of Provincial Educational Service pending the investigation of the question by the Commission on Public Services, will the Government be pleased to state how long the above decision of the Government of India is likely to delay the scheme?

“(c) In view of the great delay which is likely to take place and the fact that several officers of the Provincial Educational Service who have deserved increased pay on account of long and meritorious service will in the meanwhile retire, will the Government be pleased to move the Government of India to sanction an *ad-interim* increase of pay in the case of selected officers?”

The Hon'ble Mr. GODLEY replied :—“The Punjab Government fully recognise the necessity of improving the pay and prospects of the Provincial and Subordinate Educational Services, and have already done all that lies in their power to obtain sanction to the proposals sent up to the Government of India. The question whether an *ad-interim* increase of pay can be granted in the case of the Provincial Educational Service is one which concerns all Provinces, and which will doubtless engage the attention of the Government of India if much time is likely to elapse before a scheme of improvement can be decided on.”

The Hon'ble Mr. SHADI LAL asked :—“Will the Government be pleased to lay on the table a statement showing—

- (a) the number of raids and dacoities committed in each month from August 1911 to August 1912 in the western districts of the Punjab ;
- (b) the number of Hindus and Muhammadans affected by them ;
- (c) the number of murders or cases of serious injury to person caused by dacoities ;
- (d) the value of property looted ;
- (e) the amount of the property recovered ; and
- (f) the number of cases detected and the number of convictions secured ?”

The Hon'ble Mr. TOLLINTON replied :—“Most of the information sought by the Hon'ble Member was given in the Hon'ble Sir Henry McMahon's answer in the Imperial Council on 18th ultimo. A copy of this is laid upon the table.\* If further information is required, an attempt will be made to collect it, but longer notice is necessary.”

The Hon'ble Mr. SHADI LAL asked :—“Will the Government be pleased to state the number of dacoities in which the raiders seized and burnt bonds and account books belonging to *Sahukars* ?”

\*See Appendix B.

*Mr. Tollinton ; Mr. Shadi Lal ; Mr. Barron.*

The Hon'ble Mr. TOLLINTON replied :—" No cases of dacoiti have come to notice during the current year in which the raiders seized and burnt bonds and account books belonging to *Sahukars*. A case of burglary was, however, reported from the Jhelum District in February last where thieves broke into the house of a Hindu and, amongst other property, carried off his cash book. From the Montgomery District also a case was reported in which two thieves attacked and robbed a Hindu who was riding to Montgomery. They carried off his horse, cash and account books."

The Hon'ble Mr. SHADI LAL asked :—" Is it a fact that in several cases the dacoits had given previous notice to the villages they had intended to raid, that the villages were unable to procure Police protection in a large number of cases, and that where it was available the protection was feeble and ineffectual ? "

The Hon'ble Mr. TOLLINTON replied :—" The Government has no information on the subject and has no reason to believe that the statement has any foundation in fact. But if the Hon'ble Member can give chapter and verse for any such cases, the information may prove useful to Government."

The Hon'ble Mr. SHADI LAL asked :—" With reference to the statement made by His Honour the Lieutenant-Governor at a meeting of this Council on the 10th April that the Deputy Commissioners were freely giving licenses for arms to respectable persons, will the Government be pleased to state the number of licenses in force on the 30th June 1911 and the number issued between that date and the 31st August 1912 in the exposed districts ? "

The Hon'ble Mr. BARRON replied :—" The number of arms licenses in force in the Attock and Mianwali Districts which adjoin the North-Western Frontiers on 30th June 1911, were 286 and 439, and on 31st August 1912, 389 and 512, respectively. In both districts the numbers exclude reservists who are entitled to possess arms, and who are in these districts very numerous."

The Hon'ble Mr. SHADI LAL asked :—" Is it a fact that Sir William Mackworth Young, as Lieutenant-Governor, had proposed to arm villagers in the exposed districts, and if so, will the Government be pleased to urge on the Government of India the desirability of following the precedent to meet future contingencies ? "

The Hon'ble Mr. BARRON replied :—" The question presumably refers to a suggestion made in 1906 in Sir Charles Rivaz's time to exempt villagers residing in the Isa Khel and Attock Tahsils from certain provisions of the Arms Act, when in pursuit of raiders or members of trans-border tribes committing offences in British India. This suggestion was adopted in the edition of the Indian Arms Act and rules published in 1909.

" More recently in 1910 this Government proposed to the Government of India to distribute to the police stations of the Isa Khel Tahsil a supply of smooth-bore guns and ammunition for issue to selected villagers in the event of a raid, and this application was repeated in 1911 after the raid on Isa Khel and the attempted raid on Kalabagh. But the Government of India, while sanctioning the issue of 200 rifles to the Mianwali Police, demurred to the proposal to arm the villagers generally, as not being necessary. As was stated, however, by the Hon'ble Sir H. McMahon, at the last meeting of the Imperial Legislative Council, the matter is still under consideration. If the state of affairs does not improve—at present some improvement is noticeable—it may be necessary to enrol some of the large number of responsible retired soldiers and reservists as special Police Officers, and to arm them so that they may be able to render effective assistance in repelling raids and attacks by robbers."



*Mr. Shadi Lal ; Mr. Tollinton.*

The Hon'ble Mr. SHADI LAL asked :— " Will the Government be pleased to lay on the table a copy of the special report furnished to the Government of India on the outbreak of dacoities in the north-west districts of the Punjab ? "

The Hon'ble Mr. TOLLINTON replied :— " The report on dacoities in the Punjab referred to is a document which cannot be laid upon the table without the sanction of the Government of India. As it is still under the consideration of that Government, it is not possible to make it public at the present juncture. "

The Hon'ble Mr. SHADI LAL asked :— " Will the Government be pleased to lay on the table a statement showing the number of Europeans, Eurasians, Indian Christians, Hindus, Muhammadans and Sikhs in the Punjab Police, separately, under different grades of officers and men for each district ? "

The Hon'ble Mr. TOLLINTON replied :— " The information asked for is given in the statement published quinquennially with the Punjab Police Administration Report, which gives it in full detail. The last statement was published with the report for the year 1909. It refers to all the subordinate ranks from Inspector to Constable. In the third column of the statement are included all European and Eurasian Inspectors and Sergeants. "

" Full details of gazetted officers are published quarterly in the Punjab Civil List. "

" To give particulars of the various classes and creeds in all ranks as they stand at the present moment, could only be done at the expenditure of considerable time and trouble by a reference to all districts. It is hoped that this reference to the source from which the information can be obtained will suffice. "

The Hon'ble Mr. SHADI LAL asked :— " (i) Has the attention of the Government been called to the following remarks made by the Hon'ble Chief Judge and the Hon'ble Mr. Justice Kensington in their judgment in the Ferozepore case :—

' (a) We are quite at a loss why Ibrahim (Head Constable) has never been one of the accused in the case. "

' There appears to us to have been a determined effort on the part of both the Head Constable and the Sub-Inspector to hush up the affair and make it appear that the case was really one of suicide. '

\* \* \* \* \*

' (e) The enquiry was therefore conducted with very great difficulty, and it was only because of the insistence of the District Magistrate on the discovery of what really happened that the main facts against the appellants were eventually brought to light. '

" (ii) Will the Government be pleased to state what action has been taken in this matter ? If none has been taken, will the Government be pleased to state whether it proposes to take any action, and if so, what ? "

The Hon'ble Mr. TOLLINTON replied :—“(i) The Chief Court's judgment in question attracted the attention of the Local Government at the time it appeared.

“(ii) The case of torture occurred in the Ferozepore District in May 1911. Evidence was only forthcoming against two persons, namely, a village land-holder and a Police Constable, who were sent for trial, convicted, and sentenced to seven years' imprisonment each, under sections 331, 348 and 384 of the Indian Penal Code. Government was not satisfied with the sentences passed, and appealed to the Chief Court for an enhancement. The Chief Court altered the conviction to convictions under section 326 of the Indian Penal Code, and sentenced both accused to transportation for life. It was considered that there were not sufficient grounds for action against the Sub-Inspector. The Head Constable concerned was prosecuted on a charge of illegal confinement (section 220, Indian Penal Code) in connection with this case. He was convicted, sentenced to a month's imprisonment and dismissed.”

The Hon'ble Mr. SHADI LAL asked :—“Has the Government received any petitions or complaints against Zaildars in Sangoi and other villages to the effect that they are harbouring dacoits, and will the Government be pleased to state what action has been taken on those petitions and complaints?”

The Hon'ble Mr. TOLLINTON replied :—“An anonymous complaint of the kind mentioned by the Hon'ble Member and directed against a Lambardar of Sangoi was received through the *Punjabee* newspaper, Lahore, in May last. And it was ascertained that, while the charge of harbouring dacoits had no foundation in fact, there had been an increase of crime at Sangoi owing to enmity between rival factions in the village. The local authorities were already alive to the situation and had taken measures to preserve order and prevent crime. Only one dacoiti has occurred in Sangoi during the last ten years, and that was committed by Pathans.”

The Hon'ble Mr. SHADI LAL :—“As Delhi has ceased to be a part of this Province, I beg to withdraw the following question which stands in my name :—

“(a) Is the Government aware that the notification under the Land Acquisition Act issued in December 1911 for the purpose of acquiring land for the Imperial Capital at Delhi covers the whole city of Delhi, including all private houses and places of worship and large areas of agricultural land in the various estates in the tahsil of Delhi, that on account of the notification the owners of immoveable property have been prevented from entering into transaction with respect to their property, and that this wholesale restriction has caused loss and inconvenience to them?

“(b) In view of the fact that there was never any intention of acquiring certain properties, and that a decision has now been made as to the site of the Imperial Capital, will the Government release, or move the Government of India to release, from the operation of the notification the immoveable property which is not to be acquired under the Act?”

His Honour the PRESIDENT said :—“With reference to this question, I might read to the Council a telegram which has just been given to me. It runs as follows :—

“Citizens of Delhi assembled in public meeting express their gratitude to the Punjab Government for their sympathetic and successful rule of more than half a century. And further beg permission specially to thank Your Honour for the kind interest which Your Honour has always taken in this city.”

*The President; Rai Bahadur Hari Chand; Mr. Diack; Mr. Barron.*

"It comes from the Chairman of a public meeting. The Hon'ble Members will be very much gratified at learning that the citizens of Delhi should remember, and I am glad to say, remember with gratitude, such services as the Punjab Government and the Princes and the people of the Punjab may have been able to render to Delhi. This is not the time for me to dilate upon the question of the separation of Delhi. I may have an opportunity in the not distant future of saying something about it. I think, however, that you will agree with me that our thanks are due to the citizens of Delhi for the kindly remembrance which they have held out to the Punjab Government and the Punjab people at this time."

The Hon'ble Rai Bahadur HARI CHAND asked :—"Has the attention of the Government been directed to the fact that the starting pay of Tahsildars is Rs. 150, while that of the Munsifs is Rs. 175, although the post of the former carries perhaps more responsibility? Will the Government be pleased to raise the starting pay of the Tahsildars so as to make it on a level with that of the Munsifs?"

The Hon'ble Mr. DIACK replied :—"Government is aware of the discrepancy to which the Hon'ble Member has drawn attention and has invited the Financial Commissioners to submit proposals with a view to raising the starting pay of Tahsildars."

The Hon'ble Rai Bahadur HARI CHAND asked :—"As the following question :—

'In the Budget for 1912-13 provision was made for increasing the pay of primary school teachers, for the revision of the Subordinate Educational Service and the provision for increasing the pay of clerks drawing pay of Rs. 30 per mensem and less, and in reply to my speech and the appeal of Hon'ble Mr. SHADI LAL for other low-paid literate employes of the Government, an assurance was given by His Honour the PRESIDENT that the case of officials drawing between Rs. 35—Rs 50 would be considered. Will the Government be pleased to state—

(a) whether the provision has been utilised in making the improvement?

(b) when it is intended to take up the case of those drawing between Rs. 35 Rs. 50?"

has already been answered by the Hon'ble Mr. BARRON in reply to Hon'ble Mr. SHADI LAL's question, I proceed to put the next question which stands in my name.

"In reply to my question at a meeting of this Council held on the 13th March 1912, the Government was pleased to give some particulars about the new scheme of District and Sessions Judges, and a provision of Rs. 28,000 was made in the Budget Estimates of the current year for its introduction. Will the Government be pleased to state—

(a) what further progress has been made in respect of the scheme;

(b) how many District and Sessions Judges will be appointed and for what Districts;

(c) when the scheme will come into force?"

The Hon'ble Mr. BARRON replied :—"A report regarding the financial effect of the scheme has been received, and is in course of submission to the Government of India. The scheme will, as already stated, require the sanction of the Secretary of State. The date of its introduction cannot therefore be predicted at present. The proposals contemplate the creation of 22 posts of District and Sessions Judge, instead of the 16 existing Divisional and 8 District Judgeships. Their allocation to districts has not yet been settled."

*Rai Bahadur Hari Chand ; Mr. Godley ; Mr. Tollinton.*

The Hon'ble Rai Bahadur HARI CHAND asked :—" Will the Government be pleased to state what progress has been made by the Committee nominated by the Government to enquire into the question of industrial education in this Province since 13th March 1912, when I last interpellated on the subject ? Has the Committee framed any scheme of industrial education ? If so, will the Government give some particulars of it ? "

The Hon'ble Mr. GODLEY replied :—" I have already given the information in replying to the Hon'ble Mr. SHADI LAL's question."

The Hon'ble Rai Bahadur HARI CHAND asked :—" In view of the appalling increase of crimes as revealed in the last Police Administration Report, and in view of the observations made by His Honour the Lieutenant-Governor about the urgent need of ' an improvement both in the morale and the working of the force,' will the Government be pleased to state what special steps it is taking to ensure this object ? "

The Hon'ble Mr. TOLLINTON replied :—" In the existing state of the law the Police have very little control over professional criminals by whom most of the crime in the Province is committed ; and this is one of the greatest difficulties under which the Police labour. Proposals are under consideration for legislation by which it will be possible to place some restrictions on the movements of notorious offenders. Other steps also are from time to time taken, as, for instance, the recent deputation of special officers to the western districts in connection with the dacoities in those tracts.

" As regards the morale of the force, public opinion, as represented by the Press, appears to be unanimous to the effect that no marked improvement can be effected until the standard of educational qualifications in all the subordinate grades is raised. It has, indeed, been suggested that the minimum educational qualification of a Constable should be a Middle School certificate, while Head Constables should pass the Entrance Examination, Sub-Inspectors and Inspectors should obtain the degree of B. A. and M. A. respectively. Whether education is the panacea for all evils in the Police is a matter of opinion ; but it is easy to see that the cost of proposals such as that quoted would be prohibitive. Also it has yet to be proved that we should get better men. Meanwhile a good deal is being done by securing better educated men in the higher grades of the force. Greater vigilance and closer supervision is also exercised by superior officers and Inspectors. All charges against the Police are taken up and enquired into by gazetted officers or Magistrates, and every endeavour is being made to suppress malpractices. In this matter Government urges on the public the necessity of co-operating to the fullest possible extent."

#### VILLAGE CRIMINAL JUSTICE (PUNJAB) BILL.

The Hon'ble Mr. TOLLINTON presented the report of the Select Committee on the Bill to provide for the better administration of Criminal Justice in the Punjab. He said :—

" I have little to add to what is said in the report. Our Committee was unanimously of opinion that the measure should be dropped.

" In the opinions which came before us there was, as is usual, considerable divergence. One opinion was that the time for such a measure had passed. Another was to the effect that it had not yet arrived. Both doubtless contain a grain of truth. But with all this divergence we were impressed with the fact that the measure had evoked much hostile criticism. Hon'ble Members will call to mind that in introducing the Bill I used these words—

" The measure . . . . 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 Council to accept the measure, to modify it, or to reject it."

*Mr. Tollinton; Mr. Muhammad Shafi; Malik Mubaris Khan.*

"In view of the opinions that have been elicited, in view of the unanimous recommendation of the Select Committee, I move that the measure should be withdrawn. It can always be revived should the experience of the Civil Panchayat Act warrant this or public opinion demand it."

The Hon'ble Mr. TOLLINTON moved that the Bill be withdrawn.

The Hon'ble Mr. MUHAMMAD SHAFI said:—"Your Honour, in rising to give my support to the motion now before the Council, I desire to offer my congratulations to the Hon'ble Member in charge of the Bill upon the wise course adopted by him. The enactment of the law embodied in this Bill is not only absolutely unnecessary, but is also calculated to bring about results in the highest degree detrimental to the best interests of all concerned in its operation. A careful exercise by the Local Government of the powers vested in it under the Code of Criminal Procedure is sufficient to achieve the end in view, and in consequence a special enactment for the realisation of the same object is not only unnecessary but is also opposed to sound principles of legislation. The maintenance of law and order is peculiarly the function of Government and the adoption of a system which is, in its essence, of a voluntary and elective character best suited to the needs of civil administration in order to fulfil that primary obligation of the Government itself, is to my mind not consonant with the principles of justice. The employment of a highly efficient official machinery and the delegation of magisterial powers to those who have been styled as the natural leaders of the people are the two legitimate methods of criminal administration. The institution of village *Panchayats* for that purpose, resulting as it would do in the handing over of offenders, supposed or real, to those who are more or less their own equals for punishment, involves consequences injurious alike to the State and the subject races. In the rural areas, for which the Bill is particularly designed, it would give rise to petty tyranny and oppression of the worst description, corruption, increase of petty criminal litigation, conversion of a certain class of serious crime into comparatively petty offences, the increase of such offences as *Rasagiri* in certain parts of the Province; and other evil consequences would inevitably follow from the enactment of this measure. And in a good many cases the members of the *Panchayat* would be mere figure-heads, the powers vested in them being in reality exercised by others whose anxiety to secure convictions or to bring about the opposite result would depend upon motives and causes hardly consonant with principles of justice. For these and other reasons, a discussion of which is no longer necessary, I strongly recommend to the Council that this Bill may be allowed to be withdrawn."

The Hon'ble MALIK MUBARIZ KHAN, TIWANA, spoke in Urdu, a translation of which is as follows:—

"Your Honour, before going into detail in connection with the Village Criminal Justice (Punjab) Bill, I think it would be proper to point out that I was one of the members of the Select Committee appointed to consider the Bill. At a meeting of the Committee held on the 9th September 1912, I clearly gave it as my opinion that the passing of the Bill would prove a blessing to the zamindars and the common people. When our just and generous Government gives us an opportunity to settle our disputes and cases ourselves at our houses, which would specially lead to an advancement in education and morals of the common people, why should we then refuse to accept that generosity? I would now like to review it.

"The learned Members present at the meeting did not consider the Bill useful; and it was held by a majority of votes that a recommendation for the rejection of the Bill should be made. Accordingly I had also to sign the report of the Select Committee. But as the Bill now comes before the Council and

every Member has an opportunity to give expression to his opinion. I also, keeping in view the advantages that can be expected to accrue from the passing of the Bill, would like to give my opinion. It is possible that some of the Hon'ble Members should agree with me, while others would not.

"I would first briefly take those officers and leading gentlemen who admit the necessity of the Bill and support it generally and in principle—

"1. Khan Abdul Ghafur Khan, Sessions Judge, Siālkot, in his opinion supports the Bill and says that such a law would lighten the work of Government officers and lead to a speedy disposal of cases and saving of expenses and inconvenience and time: also that intelligent and influential persons will have an opportunity of taking interest in their local affairs and will advance by their special abilities and honesty. There is no doubt that amongst the zamindars a class has sprung up, and is springing up, which, if it were given opportunities, would also count in the upper classes of men. They would exert their influence and powers to put a check to offences and false litigation, and would always have it as their desire to win the good opinion of Government through their good manners, and well-doing and popularity, and thus to secure better positions. They would also desire to learn the need to serve Government and the public. The District officers will by degrees get a class of persons who would materially help in connection with serious offences and other important affairs.

"It is an old idea that it would not be possible to get educated men in villages. Doubtless it may not be possible to find men with English education. But there is not such a dearth of Urdu knowing men as is generally represented. In good zamindars is now to be found the spirit requisite for their advancement, and the task which it is now contemplated to throw on their shoulders can be very well performed by them according to their requirements.

"2. The opinion given by Lieutenant-Colonel C.M. Dallas, Commissioner, Delhi, in favour of the Bill is worth perusal.

"3. Major Buck, Deputy Commissioner Karnal's opinion supports the Bill in its entirety.

"4. Nawab Ibrahim Ali Khan of Kunjpura is entirely in favour of the Bill.

"5. The opinion given by Mr. R. T. Clarke, Deputy Commissioner, Ambāla, gives true expression to the real thoughts of the leading people of that place, inasmuch as the members of the district board are the selected men of the district, who are in every respect considered to be respectable and reliable. Even the Punjab Government has expressed the intention of taking such people into the Council. When it can be hoped to find such able men for the Government Council, how can it be justifiable to think that it would not be possible to find such men fit to serve on the Panchayats? The opinion of the Ambāla district board members carries special weight in that it is a body of leading men drawn from the various communities in the district.

"6. Rai Fattah Chand, Extra Assistant Commissioner, Delhi, has after consulting zamindars and other people put forward a true version of public opinion which goes to support the Bill. That officer's personal opinion also favours the Bill. He says that the law would prove a blessing. The opinion based upon the views of zamindars and other people carries a great weight.

"7. The opinion of Mr. J. F. Connolly, Deputy Commissioner, Simla, is also in favour of the Bill.

"8. The opinion expressed by Lala Mohan Lal, Pleader, Simla, is also on the whole in favour of the Bill.

*Malik Mubariz Khan.*

" 9. Lieutenant-Colonel Powney Thompson, Deputy Commissioner, Kangra, gave his opinion after consulting the people of his district which supports the Bill. This opinion cannot be called an individual opinion, but rather an expression of the real thoughts of the people of the village, and consequently carries great weight.

" 10. The opinion of Babu Dhani Ram and Maulvi Barkat Ali, Pleaders, Gurgaon, is generally in favour of the Bill. Further, their opinion that compoundable cases would be very well disposed of by the Panchayats is reasonable, because it is the very aim of the Panchayats that disputes and quarrels should be settled by the people at home.

" 11. Mr. P. J. Fagan, Commissioner, Jullundur, has given a very learned opinion on this Bill. He says that the employment of indigenous local agency would lead to disposal in a very good way of a portion of that large mass of petty and largely frivolous litigation with which our courts are pestered. He further says that the machinery provided in the Bill is very suitable and that it commands public approval. The opinion of such an officer voicing the thoughts of the people in general carries great weight.

" 12. Lieutenant-Colonel A. E. Barton, Deputy Commissioner, Hoshiarpur, has at the end of his opinion clearly favoured the Bill and said that the popular opinion is generally in favour of the Bill which is certainly worth trying.

" 13. The opinion given by Mr. H. Calvert, Deputy Commissioner, Jullundur, demonstrates that he has supported the Bill after consulting the people in general and the zamindars.

" 14. Shaikh Asghar Ali, B.A., Deputy Commissioner, Gujranwala, is also in favour of the Bill. He says that such complications in connection with cases have come into courts that a respectable gentleman and a public man would not like to go into courts, while a liar and a mischievous and clever person succeeds as against a respectable and innocent person. The time has come when such a law should be enacted as may be a simple and expeditious form of administering justice. For these reasons he welcomes the Bill.

" 15. Mr. Abdul Hamid, District Judge, Gujranwala, has also supported the Bill and has brought forward no arguments to refute the Bill. He has only suggested some amendments.

" 16. The views of the Hon'ble Mr. Humphreys, Deputy Commissioner, Lahore, expressed in connection with this Bill show that he has consulted the experienced and leading men of both the communities. All those gentlemen live in the capital of this Province and can in every respect be taken to be intelligent; sagacious and able.

" 17. Lieutenant-Colonel F. Popham Young, Deputy Commissioner, Siālkot, possesses a special experience of the affairs and circumstances of the village zamindars. He has consulted gentlemen of both communities in the district. All of them were in favour of the Bill, and the said officer himself also supported the Bill.

" I would now come to those gentlemen who have opposed the Bill. Of the opinions that go against the Bill and have influenced the learned Members of the Select Committee to recommend the rejection of the Bill those expressed by the Hon'ble Judges of the Chief Court, Punjab, have been given preference. I would accordingly give my opinion on the views of the learned Hon'ble Judges. They are of opinion that the provision of benches with powers in every village or within a short distance would lead to an enormous increase in the number of petty offences, quarrels and cases, with the result

that unrest will be introduced into public life. I cannot help saying in reply to this that when influential persons would be members of the Panchayats, and would be entrusted with powers, they would surely endeavour to eradicate in every way false and frivolous disputes and quarrels from their people. Their powers combined with their personal influence would go a great way to achieve the end in view, and would lead to the reduction of litigation, and maintenance of unity and peace amongst the people. Even if the opinion of the Hon'ble Judges that the institution of such courts would lead to an increase in petty offences at their head-quarters and places within a short distance thereof, be accepted, the location of punitive police would serve as an adequate deterrent for the check of crime. The Government and the learned Hon'ble Judges are having this experience every year. The location of punitive police really results in reduction of crime. Experience has established that people have become accustomed to giving up their bad habits better by coercion than by leniency. Further, it is also worthy of consideration that if the grant of such summary powers would lead to an increase in petty cases, why then grant the powers in question on the courts and give an impetus to the increase of crime ?

"The learned Hon'ble Judges are further of opinion that the persons who would serve on the benches would be untrained, inexperienced and uneducated persons, with no knowledge of law or of elementary principles of justice. In reply to it I would ask how the persons appointed as Honorary Magistrates are fit to be entrusted with such responsible court work. Doubtless they have in their favour the fact that they are rich and men of good position, while the members selected for the Panchayats out of the common people would have only ordinary position. Hence it is that the latter are thought to be unfit. But it should not be lost sight of that it is these common people from amongst whom it can be expected to find really capable men. It is these people who can well know the reality of the local affairs, and can, instead of going to courts, properly decide petty cases at home. It is essential to get at the reality of cases. A mere knowledge of law would not avail. As there would be no legal complications before the Panchayats and the fact of a matter would be found out in a purely simple and rural fashion, it would be useless for the villagers from whom the members for the Panchayats would be drawn to be proficient in law. Knowledge of law without reason gives birth to complications and intricacies. Therefore in my opinion the members of the Panchayats should have nothing to do with law.

"My personal opinion is that this law would prove a blessing to the common people in general and to the zamindars in particular.

"If the Bill is rejected, the people would be deprived of its countless advantages. I am therefore of opinion that the Bill should be passed."

The Hon'ble BABA GURBAKHSH SINGH BEDI spoke in Urdu, a translation of which is as follows :—"Your Honour, I have been touring in towns as well as in villages, and have had an occasion of coming across all shades of men i.e., men of the old school in villages and also men of new ideas. In olden times in the case of a dispute it was generally the custom to refer it to a man who commanded respect and influence in the village, and no one could dare to raise any objection to the decision of that venerable and influential man. Even to-day there are men to be found who command respect like them. In such a way disputes were satisfactorily disposed of with the least inconvenience. I have been entrusted with civil and criminal powers and so can very well speak on the subject. A case which would take a long time for disposal in a court would be disposed of in a very short time and once for all, if it were brought before a respectable gentleman in a village. Surely such sort of persons are not lacking



*Baba Gurbakhsh Singh Bedi; Mr. Shadi Lal; Mr. Muhammad Shafi;  
the President; Mr. Barron.*

among men of both old and new ideas. Such an experiment will really prove a boon to poor people in the villages for whom it is particularly meant, and at least an opportunity should be given to persons who have no other chance of showing their merit to prove their fitness. I therefore support the Hon'ble MALIK SAHIB and submit that the Bill be passed."

The Hon'ble Mr. SHADI LAL :—" This morning when I came to this Council I had no intention of saying anything in connection with this Bill. But in view of the remarks that have been made by the Hon'ble Mr. MUHAMMAD SHAFI and the Hon'ble MALIK MUBARIZ KHAN and the fact that I do not agree with them in their entirety, I should like to say a few words. I am afraid I must differ entirely with the indictment which the Hon'ble Mr. SHAFI has thought fit to level against the provisions of this Bill. I was one of the members of the Select Committee, and though I signed the report I must say, and I think many of the Hon'ble Members will agree with my view, that the Bill was conceived with the best possible spirit and in the interests of the people. The Bill is an attempt on the part of the Government to invite the co-operation of the people in the administration of the local affairs, and we are obliged to Your Honour for this laudable attempt."

The Hon'ble Mr. MUHAMMAD SHAFI :—" I never questioned the spirit. I referred to practical results only."

His Honour the PRESIDENT : " The Hon'ble Member (Mr. SHADI LAL) is in order."

The Hon'ble Mr. SHADI LAL : " I did not say that the Hon'ble Member questioned the spirit. I only said that I did not agree in entirety in the indictment. I submit that the Bill was conceived in the best possible spirit. I must congratulate His Honour the Lieutenant-Governor and the Government on what they have done and what they propose to do with this Bill. At the same time it must be admitted that the difficulty lies in the selection of the men you are going to entrust with these powers. I may mention that I am one who would like to have seen this Bill a success, but it is essential that proper persons are entrusted with the powers. As to this measure there has been a great deal of difference of opinion. There is the opinion of a large number of capable officers whose opinion is entitled to weight that the Bill ought to be passed into law. At the same time I must say in answer to what has fallen from the lips of the Hon'ble MALIK MUBARIZ KHAN that there are stronger opinions against it. In view of that fact some are of opinion that perhaps it would be better to adopt an attitude of caution and see whether the Civil Panchayat Act is going to be a success or not, and I would suggest that we should wait till the working of that Act is a success. I therefore support the motion which has been brought forward by the Hon'ble Mr. TOLLINTON."

The Hon'ble Mr. BARRON said :—" Your Honour, it has just been pointed out by the last speaker that though the Select Committee recommended that this Bill be rejected, the proposal before the Council is that it be withdrawn. One or two reasons for adopting this policy might be given. It may interest the Council to know that a very similar measure to this has very recently been introduced in the similar country of Egypt and there it is reported to be meeting with considerable success. Some of its provisions which deal with conciliation have resulted in a number of parties patching up their quarrels and in a general reduction of litigation. In the Punjab about one-third of the criminal cases instituted are compromised, so that it seems not improbable that a measure such as this might result in the furthering of conciliation between parties and in the reduction of litigation generally. The strong opinion against the Bill given by the Hon'ble Judges of the Chief Court has evidently influenced

*Mr. Barron; the President.*

the Select Committee to a great extent. The Hon'ble Judges have not perhaps been watching the experiment which is being conducted in Egypt. As time goes on, if that experiment of Cantonal Tribunals continues to have favourable results and if the experience of the Civil Panchayat Act also is favourable, it may be possible to move further in the matter of criminal Panchayats.

"Two or three speakers have adverted to the opinion given by the Hon'ble Judges of the qualifications of the men who are likely to be available for service on the Panchayats. As to this, it might be remarked that, if the arguments in the last paragraph of the opinion given by the Chief Court were to be adopted in Great Britain, it would probably result in the abolition of a large number of the Honorary Benches which now transact the greater part of the petty criminal work of that country. Reading the opinion, it is evident that the Hon'ble Judges are referring to India only. One may express the hope that India will not always remain such a backward country that it will continue to be impossible to find men in the districts and villages fit to be entrusted with public duties of this nature. If this hope of finding such men is realised in the near future, and if the experience of the Civil Panchayats Act is favourable, it may be possible to re-introduce this measure. These are the reasons why it is now proposed to withdraw it and not reject it."

His Honour the PRESIDENT said:—"As Hon'ble Members are aware, and as the Mover of the Motion has pointed out, this is measure on which Government has maintained a perfectly open mind. We were quite certain, in preparing the Bill and in submitting it to public opinion, that it would probably give rise to great differences of opinion between those people in the Punjab who are in favour of primitive, simple methods for disposing of judicial work and those who are more attached to the ordinary legal tribunals. However, there had been a great deal said in the past years, and rightly said, of the extreme desirability of educating the people to govern themselves in petty matters, and it appeared to the Punjab Government that the institution of Panchayats, which had been recommended by a great many experienced people, might be a method of training the people towards the extremely desirable aim of governing themselves and also of restricting that litigation, which is one of the banes of the Punjab—unnecessary litigation I refer to. Well, after our measure had been for some time under consideration, the Decentralisation Commission also proposed that Panchayats something of the character of those with which we are now dealing should be instituted with somewhat similar objects. That naturally supported us in our idea that at any rate the people of the Punjab should be given an opportunity of expressing their opinion about the desirability or otherwise of such a new departure. Well, the Bill was worked out with great care and, as you have heard from the Hon'ble Mover and from the Hon'ble MALIK MUBARAZ KHAN, it has elicited a great deal of divergent opinion as we anticipated; and I may say that that opinion has run very much upon the lines that we also anticipated. Judicial officers and persons who have a legal bent, if I may say so, and especially those who have had an extended English education, regard the Bill with grave suspicion. Other officers who have not perhaps that legal bent and who have had possibly more to do with the people of the country and other gentlemen such as the two Hon'ble Members who have addressed the Council in Urdu, and who are specially qualified to speak on behalf of the people, at any rate of the agricultural classes of the western Punjab, regard the measure with great approval. In the circumstances, however, I think that the motion which is now before the Council is the safest, that is to say, that the Bill should be withdrawn and remain in a state of suspended animation until we have had an opportunity of seeing how the sister measure for the institution of civil Panchayats works, as much damage is not done, speaking broadly, by civil decisions as by criminal decisions. We

*The President.*

therefore put forward the Civil Bill first in the hopes that it would go through, as it has gone through, and then we put this forward as a supplementary measure in order that the Government and the people generally might have an opportunity of seeing what was a possible solution of the present difficulties. It will be some time before the Civil Panchayats Act can be brought into thorough working order. Rules framed under the Act are now being circulated for opinion and will be published also for opinion, as we are anxious in this matter so far as possible to carry all the people in the Province with the Government. When the rules are passed the various districts will have to be selected in which the Panchayats will sit, and it will be some time before the Panchayats can seriously get to work and we can see how they will get on. Therefore, in view of the opinions which have been advanced by the public and by officers in this Council itself, speaking as a private member of the Council in this case, I think that the motion before the Council, that is, that the Bill should be withdrawn and held in suspended animation until we see how things turn out, is the wisest course for us to adopt. It is not certain that if we proceeded as the Hon'ble MALIK MUBARIZ KHAN and the Hon'ble BEDI SAHIB desire, to try to pass the Bill, we should succeed, but it would certainly lead to a great many prolonged sittings and might stir up a great deal of agitation which I am sure we are all, in a matter of this kind, most anxious to avoid. At the same time speaking again personally, I venture to give my opinion, for what it is worth, in favour of the Bill. I believe I have had a judicial experience which may have been denied even to the learned Judges of the Chief Court, that is to say, that for nearly two years I was a Magistrate in a very remote agricultural district in the South-West of Ireland, of which the conditions are singularly similar to those of the Punjab. We have our tenant right question there; we have our questions of women; we have our land hunger and all that this leads to. In my capacity as Magistrate in the South-West of Ireland it was my duty to sit with a great number of Magistrates drawn from all classes of the community, for in Ireland the Magistrates are not, as I dare say, some of you know, all great landed magnates. They are of all classes, shop-keepers, petty farmers, and exactly the sort of people who we contemplate in this country would sit upon these Panchayats. I can only say that the legal experience that I there acquired has thoroughly convinced me of the great benefit which arises from the disposal of petty criminal litigation of the type contemplated in the Bill before people of the neighbourhood who know all the circumstances of the case and the people. What often happens in such cases before a Panchayat of Magistrates,—if I may call it a Panchayat,—in the South-West of Ireland is that a case which might have led to very high feeling and possibly given rise to a vendetta, even have led to murder, is disposed of by the Magistrates sitting more or less as a body of conciliators, and, as the Hon'ble MALIK MUBARIZ KHAN has said, by the process of conciliation the fount and origin of the quarrel are wiped out; whereas, as we all know too well to our cost in this country, if the case is taken to the regular courts it goes on and assumes ramifications and probably ends up in serious trouble. That is why I attach considerable importance to the action of the Panchayats as conciliators if ever we can get them to work. Shortly after this measure came before Council I observed that, with the approval of Lord Kitchener, of course, owing to the peculiarity of the legal system in Egypt, various authorities had to be consulted, and I have no doubt a great many authorities were consulted, among them Lord Kitchener—with the approval of the authorities consulted, His Highness the Khedive introduced in Egypt what are known as cantonal courts. Now these cantonal courts, as I daresay Hon'ble Members are aware, are exactly the same, to all intents and purposes, as the Panchayats contemplated by us. Great stress is laid in Egypt upon the action of the cantonal courts as conciliators, and I understand from the papers and also from friends in Egypt, with whom I have communicated on the subject, that though these courts have only been in operation for six months, they show

signs of giving the greatest satisfaction to the people in the disposal of petty agricultural disputes, and that they are of great promise. They also have civil powers like our civil Panchayat courts. Thus we have in a somewhat similar country a somewhat similar measure in progress, and we shall also have the civil Panchayats at work in the Punjab, and we shall be able to see, by watching, how these measures work, and whether it is safe to go any further; but for the moment I agree that it is wise to defer action and what has become a cant phrase all over the world to wait and see.

"The motion before the Council is that the Bill to provide for the better administration of Criminal Justice in villages in the Punjab be withdrawn."

The motion was put and agreed to.

His Honour the PRESIDENT :—"I hope that in the not distant future the Hon'ble MALIK MUBARIZ KHAN and the Hon'ble BEDI SAHIB will have the pleasure of seeing the measure re-introduced and that, with the greater confidence gained by experience, it may eventually be added to our statute book."

#### THE REDEMPTION OF MORTGAGES (PUNJAB) BILL.

The Hon'ble Mr. FENTON moved for leave to introduce the Bill to provide a summary procedure for the redemption of certain mortgages of land in the Punjab. He said :—

"Your Honour, some nine years ago, shortly after I had taken over charge of the Jullundur district, I was approached one day, when in camp, by an old zamindar who asked for my assistance under the following circumstances. Several years previously, to meet the expenses connected with setting up his son in his Regiment, he had mortgaged one-half of his small holding and delivered possession to the mortgagee, a Sahukar of a neighbouring town, whom we may call Nand Lal. By dint of rigid economy and with the help of remittances from his soldier son the full redemption money had been got together and our zamindar proceeded with it to Nand Lal's shop. The Sahukar had meanwhile been realising a very handsome profit out of his mortgage and it did not at all suit him that his debtor should redeem. He positively refused to take the money. 'Then,' said my petitioner, 'I sent a notice to Nand Lal under registered cover, but it was returned to me with the intimation that the addressee refused to accept it. As a last resort I sent the money by money order, but it came back to me with the report that Nand Lal was invariably absent or *ruposh* when the postal peon called and none of his family would accept payment of the money order. Now what am I to do? The mortgage deed provides that redemption can take place only in the month of Jeth of each year and there are only a few days left before the end of the month.' Well, I might have told my petitioner to file a suit for redemption. He would have had to pay a court fee in such a suit calculated at  $7\frac{1}{2}$  per cent. on the mortgage money and would no doubt also have had to pay the fees of petition-writer and pleader. Meanwhile the month of Jeth would have passed away and Nand Lal would have become entitled to another year's occupation of the mortgaged land. In the circumstances I resorted to a procedure which is capable of being described as a gross abuse of executive authority. I sent a Tahsil chaprasi to fetch Nand Lal—he lived about 8 miles away—and I directed the zamindar to bring the redemption money to me. That evening both mortgagee and mortgagor appeared before me. The former made a half-hearted attempt to plead that some entirely separate shop's debts should be paid together with the redemption money. But there was really little difficulty when the parties were confronted in arranging the completion of the redemption transaction, the money being paid up to Nand Lal who handed over the mortgage deed to the mortgagor. An order was thereupon passed that the Kanungo should place the latter in possession and enter up the mutation.

*Mr. Fenton.*

"Now the incident which I have just related was no isolated one. At certain periods of the year, between the rabi and kharif harvests, such applications were of almost daily occurrence, owing to the prevailing practice of providing in mortgage deeds that redemption might take place in that season only and not otherwise. After a year and a half's experience in the district, having satisfied myself as to the hardships suffered by mortgagors, especially the poorer among them, owing to the crafty shifts and subterfuges of money-lending mortgagees whose interest lay in avoiding redemption,—having satisfied myself that this evil was of very general prevalence, I represented the matter to the Commissioner, and proposed a remedy—a remedy which would have the effect of substituting, for such spasmodic executive action as a Deputy Commissioner might or might not feel inclined to take, some legally recognised procedure to which all mortgagors could, as of right, resort.

"The particular remedy which I suggested I shall refer to in a moment. In consequence of my representation the Financial Commissioner called for reports from the other districts of the Province as to whether the practices of the Jullundur money-lenders were resorted to by members of the confraternity elsewhere. In the result Sir Lewis Tupper in 1905 reported to the Punjab Government that it appeared to be a very common practice throughout the Punjab for mortgagees of agricultural land to evade redemption by subterfuges such as had been reported from Jullundur, and the opinion was expressed by Sir Lewis Tupper that a good case had been made out for some action to help zamindars and other peasant mortgagors to redeem their mortgaged land.

"Sir Denzil Ibbetson, who was then officiating as Lieutenant-Governor, while agreeing that something should be done, was of opinion that the particular remedy which I had put forward, and which was recommended by Sir Lewis Tupper, did not go far enough, and that more drastic action was necessary. I had proposed nothing more than the extension to the Punjab of sections 53 and 8 of the Transfer of Property Act—an extension which could have been effected without legislation by the order of the executive Government. These sections provide a summary procedure for the payment of redemption money into court, notice of payment being served on the mortgagee, who is thereby fixed with responsibility for avoiding the redemption. As, however, this procedure included no provision for restoring to the mortgagor possession of the mortgaged property Sir Denzil Ibbetson considered that, rather than adopt it as a palliative, it would be better to insert in the Land Alienation Act Amendment Bill, then under contemplation, a more drastic provision better calculated to defeat the obstructive tactics of mortgagees. Unfortunately, when the Land Alienation Act Amendment Bill came to be drawn up this correspondence was overlooked, and when, on that Bill being circulated for opinion, I took the opportunity of drawing attention to it, it was decided by the Punjab Government of the day that as the inclusion in the Bill of a provision of such importance would entail a reference to the Government of India, and that as the consequent delay would be prejudicial to the objects with which the amendment of the Land Alienation Act was undertaken, it would be better to drop for the time the idea of legislation for the redemption of mortgages.

"For the revival of the project of such legislation we are indebted to the Secretary of State, who, noticing the correspondence to which I have just referred, and remarking on the general support which the proposal had received in 1905, asked what steps it was intended to take in order to bring it into effect. Under a stimulus emanating from such an influential quarter a Bill has at length, after considerable discussion, circulation for opinion and reference to the Government of India, been evolved—a Bill which, I think, will commend itself to critics representing every interest affected.

"Now our legal system does not leave without remedy the mortgagor who desires to redeem. Under the law as it stands the mortgagor's remedy against a mortgagee who obstructs redemption is a redemption suit; and if that remedy were a sufficient and satisfactory one there would be no need for special legislation. It is because it is not a sufficient and satisfactory one that special legislation is required. It is not sufficient or satisfactory because of *firstly*, the expense and, *secondly*, the delay involved in civil court proceedings. The consideration of expense, however, that is to say, the heavy *ad valorem* court-fee of 7½ per cent. coupled with pleader's fees, which compare with the outlay of one anna for a receipt stamp, which is the only expense attending redemption out of court, this consideration is one that need be taken into account only in the case of the poorer classes of mortgagors. For this reason it has been decided, on the suggestion of the Government of India, to limit the scope of this Bill to cases in which the mortgaged land represents a *small* holding, and for this purpose a maximum area of 30 acres has been taken. One square grant in the colonies will thus come within the purview of the Bill. The avoidance of delay, however, no less than the avoidance of expense, is also a desideratum justifying special legislation, particularly in view of the terms of so many mortgage contracts under which a few days' delay in redemption may, as I have already explained, mean a year's delay in the recovery of the mortgaged property. Accordingly this Bill aims at relieving the poorer class of mortgagors from such expense and delay, and it does so by providing a summary procedure under which, it is hoped, that redemption will be amicably and expeditiously effected in the majority of cases.

"Now we are not without precedents for legislation conferring, as this Bill does, upon executive authorities jurisdiction thus to settle in a summary manner transactions, often of considerable magnitude, which in default of such summary procedure might involve all the evils of protracted litigation. The precedent which will naturally first occur to us is that of our mutation procedure. The decisions of the mutation officer in numberless cases are accepted by the parties concerned who otherwise would feel bound to carry their disputes into the Civil courts. In ejectment cases, in partition cases, in cases under section 98 of the Tenancy Act, in cases in which a land-owner denies his liability to land revenue (section 78, Land Revenue Act), the fact that an issue can be carried into the Civil courts for final disposal is not a bar to an intermediate provisional settlement by the executive authorities which holds good and is final if not so questioned. Section 28 of the Court of Wards Act contains a very useful provision empowering the Deputy Commissioner to allow or disallow claims against a ward's estate, subject to the right of the dissatisfied creditor to sue in a Civil court for claims that may be disallowed. The old Bengal Regulation, I of 1798, provides for redemption of mortgages very much in the manner of the present Bill, the function of the Judge under the Regulation being a *quasi-executive* one. But that Regulation relates only to *bai-bil-waffa* mortgages, which in consequence of the enactment in the Land Alienation Act of a prohibition against such mortgages for the future, will gradually cease to exist in the Punjab. Lastly, in the case of mortgages in the form allowed by the Land Alienation Act, section 7 of that Act provides a special redemption procedure of the nature of that now contemplated. But there are innumerable mortgages in existence, dating from a period anterior to the Land Alienation Act, to which the redemption procedure of section 7 of that enactment is inapplicable. We must legislate for these, and we must also legislate for the benefit of the poorer mortgagors, who are not members of agriculture tribes, and who are therefore free to mortgage their land without reference to the restrictions of Act XIII of 1900.

"The present Bill is not a measure of class legislation, except in so far as it gives relief in the case of mortgages of *small* as distinguished from mortgages

*Mr. Fenton; Mr. Hari Chand; the President; Mr. Shadi Lal; Mr. Tollinton.* of large holdings, and is therefore designed to benefit the poor. The benefit of the Bill will accrue to the Brahman, the Khatri and the Bania mortgagor as well as to members of the Jat, Rajput and other agricultural tribes. It should therefore be welcomed by all communities. Only mortgages of agricultural land are affected. There is no evidence that relief is similarly required by mortgagors of urban properties who are probably well able to hold their own against their mortgagees. So far as can be gathered from the opinions which have been submitted on the drafts of the Bill already circulated, the principle of the Bill has been generally welcomed. It has, moreover, received the support of the Judges of Chief Court and of many members of the Bar as well as of executive officers. I need not refer to the details of the draft, a copy of which has been supplied to each member. The Bill is a short one. It contains only fourteen sections. I now move for leave to introduce it, and in doing so I venture to express a hope that it will be possible to pass the measure into law before the present Council is dissolved."

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 circulated for the purpose of eliciting opinion thereon.

The motion was put and agreed to.

The Hon'ble Mr. FENTON moved that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. TOLLINTON, the Hon'ble Mr. MUHAMMAD SHAFI and the Mover.

The Hon'ble Mr. HARI CHAND :—"Your Honour, I am in favour of the Bill, but at the same time I wish that there should be one more representative on the Select Committee, and I propose the Hon'ble Mr. SHADI LAL's name if he agrees to act on the Select Committee."

His Honour the PRESIDENT :—"If the Hon'ble Member is willing to serve on the Select Committee I have no objection. We did not wish to take up his time, which is very often very valuably employed."

The Hon'ble Mr. SHADI LAL :—"I have no objection."

The motion was put to the Council and agreed to, the Hon'ble Mr. SHADI LAL's name being added.

#### THE PUNJAB PRE-EMPTION BILL.

The Hon'ble Mr. TOLLINTON moved for leave to introduce the Bill to amend the law relating to pre-emption in the Punjab. He said :—

"Your Honour, if I may trespass for a few moments on the generosity of the Council I should like to trace briefly the course of our legislation with regard to pre-emption to show exactly how far we have advanced, and the intention with which the present measure is brought forward in Council. Pre-emption is in its essence a custom adopted by village communities to prevent outsiders from intruding into their midst. In pre-annexation times, as remarked by Cust in his Revenue Manual, village communities adopted sterner measures for keeping outsiders away. In fact Cust says that the outsider intruded at the risk of his life. But when the Pax Britannica was established and codification set in the necessity of recognising the custom was apparent, and the custom found expression in the right of preferential purchase. In the Civil Code of 1854 the sections dealing with the right were two only, and these were expanded to some ten sections in the Punjab Laws Act IV of 1872.

Mr. Tollinton.

"A curious feature of the law as enacted in the Punjab Laws Act was that it favoured the co-sharer by purchase as against the expropriated blood relation. The stranger who had gained a footing in the village was thus frequently in a position to extend his acquisitions at the expense of the original landholders of the community. This tendency was stopped by the Alienation of Land Act of 1900, and it was at once necessary to amend the Pre-emption Act so as to further the policy underlying the Land Alienation Act. This was effected by Punjab Act II of 1905 : and at the same time the opportunity was taken to make the right of pre-emption, so far as it relates to urban immovable property, more precise. Certain other provisions were also embodied in the Statute which had previously been left to the sphere of custom. The existing Act received the assent of the Governor-General in Council in April 1905, but its working soon began to evoke criticism, and it was violently assailed in an article which appeared in the *Pioneer* in September 1907. The article pointed out that the measure had actually increased litigation, and as a result Government endeavoured to lessen this by making use of section 3 (3) to declare certain specified places to be towns instead of leaving the decision of this question to the courts and by excluding certain local areas from the exercise of the right of pre-emption under section 7 (2) of the Act. Certain difficulties inherent in the measure were, however, still felt especially by the legal profession. The Hon'ble Mr. SHADI LAL had in 1905 published a commentary in which a great deal of most useful criticism appeared, and in 1908 he recorded a note of the more urgent steps that were required to place the law relating to pre-emption on a satisfactory footing. Not only did Mr. SHADI LAL point out some 25 minor inaccuracies and ambiguities in the Act, but he showed in particular that the definition of agricultural land was inaccurate, that it was anomalous to exempt temples and shops in towns and not in villages, that the action taken by Government under section 7 (2) of the Act excluding areas from pre-emption was probably illegal, that the proviso to section 11, which was meant to protect the statutory agriculturists, was unnecessary as the statutory agriculturist had ceased to exist. A short amending measure was accordingly prepared, but the Hon'ble Judges considered that the measure did not go far enough. It was accordingly recast and amplified, and after being more than once circulated for opinion it has finally taken its present shape.

"I may note here that the Hon'ble Judges, when last consulted, expressed themselves, with the exception of the Hon'ble Mr. Justice SHAH DIN, as being in favour of the abolition of pre-emption altogether. His Honour's view is that though pre-emption is undoubtedly an archaism, though it interferes with free contract, and promotes litigation, it is still a right that is valued by the people, and cannot be abolished.

"The general principles that Government would observe are that where pre-emption exists it cannot safely be abolished, where it does not exist it should not be allowed to grow up, as, for instance, in the colonies. At the same time measures must be taken to protect sales for residential purposes and for industrial and commercial undertakings. These principles will be furthered by the measure which I now introduce. It has been more than once circulated for opinion. It has been further revised by a small committee which recently sat in Simla. It will be unnecessary therefore to circulate it again. I do not propose to go into further particulars. There are numerous points of detail which will have to be considered by the Select Committee. It will suffice to say that the measure is essentially one to remove defects found in the actual working of the existing law."

The motion was put and agreed to, and the Hon'ble Mr. TOLLINTON introduced the Bill.



*Mr. Tollinton ; Mr. Shadi Lal ; the President.*

The Hon'ble Mr. TOLLINTON moved that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. FENTON, the Hon'ble Mr. SHADI LAL, the Hon'ble Mr. MUHAMMAD SHAFI, and the Mover.

The Hon'ble Mr. SHADI LAL :—“ I have to make one or two remarks. First when the Bill was circulated for opinion, as far as I remember, it was not exactly in the same form in which we have it now. If there is no serious objection I would propose that opinions should again be invited, as it is a very important matter and as the Act of 1905 evoked a good deal of criticism. There is no harm in moving a little cautiously, and as there is no great urgency of passing the law I would beg permission to move that the Bill be referred to selected officers and non-official gentlemen for opinion. I will further propose that one or two gentlemen who may not look upon the matter from a legal point of view may be appointed to the Select Committee, and for this reason I propose that the Hon'ble RAI BAHADUR HARI CHAND and the Hon'ble SAYAD MAHDI SHAH may be appointed to the Select Committee.”

His Honour the PRESIDENT said :—“ I think the only reasons why the Bill was not circulated for the purpose of eliciting opinion were, first, that it had already been circulated on several occasions, not perhaps in exactly the same form as at present, but in much the same form ; and, secondly, which is perhaps more important, that we do not know whether the advice of the Hon'ble gentlemen who are at present sitting in this Council will be available to Government at the time the opinions are received, and we were so anxious to avail ourselves of the assistance of the Hon'ble gentlemen who now sit in this Council in dealing with this Bill that it was thought desirable to adopt the procedure which the Hon'ble Mover has suggested.

“ Personally I have no objection whatever to the course proposed by the Hon'ble RAI BAHADUR SHADI LAL. I believe that, though some of our executive proceedings in connection with the Bill are regarded as possibly open to suspicion as being of doubtful legality, they are taking the necessary effect, and the worst evil of the old measure has to a great extent been modified, if not removed ; so that I agree that there is no very great urgency connected with the Bill, except that which I have already mentioned, that it is desirable that, if possible, it should be passed before the present Council is dispersed by the operation of law. But it is a matter that I think may be very well left to the Council to say which they think is the best course to adopt, and as this practically amounts to an amendment, I had better put your motion first.

“ The motion before Council then of the Hon'ble RAI BAHADUR SHADI LAL is that the Bill be circulated for the purpose of eliciting opinion and then be referred to a Select Committee consisting of the gentlemen named in the agenda with the addition of the Hon'ble SAYAD MAHDI SHAH and the Hon'ble RAI BAHADUR HARI CHAND.”

The motion was put and lost.

His Honour the PRESIDENT :—“ The only question that remains is that I see no objection, and I do not think the Hon'ble Mover sees any objection, to the Hon'ble SAYAD MAHDI SHAH and the Hon'ble RAI BAHADUR HARI CHAND being added to the Select Committee.”

The Hon'ble Mr. TOLLINTON (the Mover) :—“ No objection.”

His Honour the PRESIDENT :—“ The motion before the Council is that the measure be referred to a Select Committee consisting of the Hon'ble Mr. FENTON, the Hon'ble Mr. SHADI LAL, the Hon'ble Mr. MUHAMMAD SHAFI, the Hon'ble SAYAD MAHDI SHAH, the Hon'ble RAI BAHADUR HARI CHAND and the Mover.”

The motion was put and agreed to.

*The President; Mr. Muhammad Shafi.*

### ADJOURNMENT.

His Honour the PRESIDENT :—“ That concludes the agenda for to-day. I propose to hold another meeting of this Council towards the end of November, by which time we may perhaps be allowed to hope that the two measures introduced to-day will have been considered and may be ready for final discussion in Council.”

The Hon'ble Mr. MUHAMMAD SHAFI :—“ Might I have permission to suggest in connection with the date, if there would be any objection to having the meeting on the last Saturday of the month.”

His Honour the PRESIDENT :—“ We can even go later than November if desired, as I think the Council does not expire till the 1st of January. I am afraid that on the 30th of November, which is the last Saturday, I should not be able to preside at the meeting, and I should be very sorry not to do that. The Council is adjourned till Saturday, the 14th December next.

SIMLA :

*The 2nd October 1912.* }

S. W. GRACEY,

*Secretary, Legislative Council.*

### APPENDIX A.

*Comparative statement showing the number of students in public institutions per million of population in the Punjab for the years 1906-07 and 1911-12.*

	1906-07.	1911-12.
Colleges—		
(a) Arts ... ..	78	133
(b) Professional ... ..	32	44
Secondary schools ... ..	3,315	4,927
Primary schools ... ..	7,946	10,447

### APPENDIX B.

Copy of reply by the Hon'ble Sir A. H. McMahon to the Hon'ble Mr. S. SIMLA's question re dakaitis in the Punjab and North-West Frontier Provinces.

“ (a) The attention of Government was drawn to the series of articles and communications regarding dakaitis in the Punjab and North-West Frontier Province, which appeared in the issues of the *Punjabee*, a Lahore newspaper, dated the 20th, 22nd, 25th and 27th June and 6th August 1912.

“ (b) The number of dakaitis reported in the *Punjab* during the four months, January to April, inclusive, was 69. A good many of these cases, however, were of little importance. Taking the return for the whole of the Punjab, Hindus were the sufferers in 53 cases and Muhammadans and others in 16 cases. No significance can be attached to the fact that the majority of the victims were Hindus. It is well known that the Hindus are usually the richest men in a village, and are therefore a more tempting prey to robbers. The *Punjabee* reported 55 cases of dakaiti in the Punjab: the official records show 69 cases; but the *Punjabee* has apparently omitted the cases in which Muhammadans were the victims, and this accounts for the difference.

“ In the *North-West Frontier Province*, during the same period, there were 22 cases of dakaiti, and Hindus were the sufferers in 11 of these cases and Muhammadans in 11.

“ (c) The number of dakaitis reported in the *Punjab* from May to August inclusive was 23.

“ In the *North-West Frontier Province*, during the same period, there were 7 dakaitis.

"(d) In October 1910 the Punjab Government applied to the Government of India for sanction to the supply of 200 guns, with 10,000 rounds of ammunition, for issue to the police thanas in the Mianwali district, with the object of enabling the thanas to be defended by villagers in an emergency, thus setting the police free to follow up raiders. The Punjab Government had taken other precautionary measures to guard against dakaitis, which appeared to the Government of India to be calculated to meet the requirements of the situation, and the proposal was, accordingly, not sanctioned. In October 1911 the Punjab Government asked for a reconsideration of the matter, and also applied for the supply of 200 Martini-Henry rifles to re-arm the police of the district. Chiefly on Military grounds, the Government of India did not consider it desirable to issue arms to the villagers, but they sanctioned the issue of 200 Martini-Henry rifles to the police.

"(e) As regards the Punjab long before the articles appeared in the *Panjabee* which are referred to in (a) above, the increase of dakaitis had been reported by the District Magistrate and the police, and steps were taken to deal with the situation. Thus, in February 1912, under the special orders of the Inspector-General of Police, Punjab, a meeting of the Superintendents of Police of the districts concerned was convened by the Deputy Inspector-General of the Western Range, and concerted measures were adopted for the suppression of this form of crime. In March, an Assistant Superintendent of Police was specially deputed to the Attock district, accompanied by a Deputy Superintendent and other officers of the Criminal Investigation Department, to take steps, in concert with the local police, for the suppression of dakaitis in that and neighbouring districts and for the capture of the robbers. The officers concerned are still on special duty; and so far a good deal of success has attended their efforts. Some local gangs have been completely broken up, many arrests have been effected and already convictions have been secured. Moreover, the depredations of a trans border band of dakaits known as 'Fazl Dad's gang' have ceased, and some of the leading members of the gang have been captured. In other parts of the Province also, district officers have been specially directing their efforts to the suppression of dakaity, and a marked improvement in the state of affairs has already taken place. It has been stated above that the effectiveness of the Mianwali police has been increased by the issue to them of 200 Martini-Henry Rifles.

"The measures taken in the North-West Frontier Province during the current year, to prevent the occurrence of dakaity, have included, according to local exigencies, the establishment of a system of village patrols, the supervision of all Afghan immigrants, the enforcement of the responsibility of the leading men, the free issue of licenses for firearms to respectable shopkeepers, the organisation of tribal levies, and the extension of telegraphic communication. As a practical result of these and other preventive and repressive measures, 69 persons have been arrested and one killed in connection with the 29 cases of dakaity mentioned in (b) and (c) above.

"The Government of India are considering in consultation with the Local Governments whether any further steps are necessary."

Copy of reply by the Hon'ble Sir A. H. McMAHON, to the Hon'ble Mr. SACHCHIDANANDA SINHA's question re crimes in the North-West Frontier Province.

"In reply to the Hon'ble Member's question, a statement, giving the required information as to the number of raids committed, persons murdered and kidnapped, and the value of property looted, during each of the ten years since the creation of the North-West Frontier Province, is placed on the table.

"As the Province was formed on the 9th November 1901, the totals given in the statement are for the 12 months ending in November each year, and not for the calendar year.

"A definition for statistical purposes of the term 'raid' presents a little difficulty, and the local officers who report occurrences of this nature do not always discriminate between a raid proper and an ordinary dakaity. The statement therefore includes all cases in which there is reason to believe that trans-frontier offenders were concerned.

"The figures given as the value of property stolen represent, for the most part, the complainants' estimate of their losses. There is a natural tendency to exaggerate the value of lost property, and it is impossible to secure anything like accuracy in such figures."

*Statement showing the number of raids committed in the districts of the North-West Frontier Province since 9th November 1901.*

YEARS.	Number of raids committed.	Number of persons murdered.	Number of persons kidnapped.	Number released on payment of ransom.	Number released without ransom.	VALUE OF PROPERTY.		REMARKS.		
						Looted.	Recovered.			
						Rs.	A. P.	Rs.	A. P.	
1901-02 ...	16	17	3	...	...	18,473	8 9	8,827	3 0	
1902-03 ...	10	5	...	...	...	17,632	18 0	1,750	0 0	
1903-04 ...	7	10	...	...	...	10,196	0 0	536	0 0	
1904-05 ...	22	8	3	...	3	29,504	10 3	5,388	0 3	
1905-06 ...	16	12	5	...	5	65,460	7 0	7,625	7 0	
1906-07 ...	20	13	28	9	18	26,129	12 0	6,880	6 3	
1907-08 ...	49	40	16	9	6	1,45,737	1 9	18,532	1 0	
1908-09 ...	49	27	19	9	9	1,14,707	10 6	10,156	5 0	
1909-10 ...	67	37	58	15	43	32,016	4 0	6,610	14 6	
1910-11 ...	48	16	17	6	11	67,295	6 7	11,886	8 0	
Total ...	299	185	149	48	95	5,27,153	9 10	78,192	13 0	

## PUNJAB GOVERNMENT.

## LEGISLATIVE DEPARTMENT.

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*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.*

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THE Council met at the Council Chamber, Government House, Lahore, on Saturday, the 14th December 1912, at 11 A.M.

## PRESENT :

His Honour Sir LOUIS WILLIAM DANE, G.C.I.E., C.S.I., I.C.S., D.O.L.,  
Lieutenant-Governor, *Presiding.*

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

The Hon'ble Mr. JOHN CORNWALLIS GODLEY.

The Hon'ble Malik MUDARIZ KHAN, TIWANA.

The Hon'ble Mr. CLAUD ALEXANDER BARBON, C.I.E., 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 Bahadur Sayad MAHDI SHAH.

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

The Hon'ble Khan Bahadur Seth ADAMJI MAMOOJI.

The Hon'ble Khan Bahadur Khwaja YUSAF SHAH.

The Hon'ble Mr. JAMES CURRIE.

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 Baba GURBAKHSI SINGH, BEDI, C.I.E.

The Hon'ble Khan Bahadur Mian MUHAMMAD SHAFI.

The Hon'ble Sir ARTHUR MILFORD KEE, Kt., C.I.E., M.V.O.

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

The Hon'ble Rai Bahadur SULTAN SINGH.

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

## QUESTIONS AND ANSWERS.

The Hon'ble Rai Bahadur SHADI LAL asked :—" With reference to the statement made in the House of Commons by the Under-Secretary of State for India that the Government proposes gradually to increase the total number of Primary Schools by 75 per cent. and to double the school-going population, will the Government be pleased to state whether it has prepared any programme yet for the extension of primary education in this province ; if so, whether it will lay on the table of this Council a copy of such programme ; if not, whether it will be pleased to consider the necessity of preparing in advance a comprehensive programme for execution within a limited number of years ? "

The Hon'ble Mr. GODLEY replied :—" The information asked for by the Hon'ble Member was given in my reply to a question put by the Hon'ble Rai Bahadur HARI CHAND on the 13th of last March, and further particulars were supplied in the course of the budget discussion on the 10th of April. The scheme submitted to the Government of India for the extension of elementary education in the province was to increase the number of primary schools for boys to nearly double the existing number within a period of five years, and in framing an estimate of cost it was assumed that many of the new schools would require only one teacher apiece. A statement showing the estimate in detail is laid upon the table.\* It should be understood that the figures in the statement are merely intended to indicate roughly the expenditure which might be incurred, and that the extent to which such a programme can be brought into effect will depend upon the amount of assistance received from Imperial funds in future years."

The Hon'ble Rai Bahadur SHADI LAL asked :—" Will the Government be pleased to state whether any, and, if so, what action has been or is proposed to be taken for the supply of qualified and trained teachers now in demand by reason of the expansion of the educational programme ? "

The Hon'ble Mr. GODLEY replied :—" A number of local training classes for teachers of elementary schools have been opened in various districts, and schemes for new normal schools are under consideration. The Hon'ble Member will find additional information on this subject in the quinquennial report on education which has just been published."

The Hon'ble Rai Bahadur SHADI LAL asked :—" With reference to the resolution which appeared in the *Punjab Gazette* of the 29th November on the subject of expenditure now incurred on English-teaching secondary schools by municipal committees, is the Government aware that the demand for Middle and High Schools is increasing in every part of the province, and will the Government be pleased to state whether the object of the present resolution is to stop further expenditure by these bodies on new Middle and High Schools ? If so, will the Government be pleased to bear the charges in every case in which a municipal committee passes a resolution admitting the pressing necessity and recommending the starting of new schools of this class ? "

The Hon'ble Mr. GODLEY replied :—" The principal object of the measure referred to is to place more funds at the disposal of local bodies for the extension of primary education. There appears to be nothing in the text of the resolution which could justify an inference that it is intended to check further expenditure by municipal committees on English-teaching secondary schools. On the contrary, the resolution distinctly states that these bodies are free to exercise their own discretion in the matter of maintaining such schools. At the same time the Lieutenant-Governor wishes it to be clearly understood that the local authorities concerned are expected to fulfil their duty in regard to primary education and other obligations imposed upon them."

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\* Vide Appendix A.

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

The Hon'ble Rai Bahadur SHADI LAL asked :—" With reference to my question on the subject of medical inspection of students in the public schools of this province, and in view of the increasing deterioration of the health of the student population, will the Government be pleased to order experimentally such inspection at regular intervals in at least two or three principal centres either by Assistant Surgeons attached to public hospitals and dispensaries or by duly qualified private medical practitioners by granting them special allowances for the extra work thus thrown on them ? "

The Hon'ble Mr. GODLEY replied :—" The general position in regard to the medical inspection of schools was explained in my reply to a question on the subject put by the Hon'ble Member at Council meeting held on the 2nd of last October. It is not proposed to attempt to carry out a general medical inspection of school pupils by the agency of Government officers, as this would involve a very large increase of the medical staff. The Hon'ble Member is doubtless aware that in England, where the medical inspection of pupils in elementary schools has been made incumbent on the local authorities by legislation, these authorities have to arrange for and pay the cost of medical inspections. Isolated experiments such as the Hon'ble Member recommends have already been made, and are still being made, in various centres of the province. In Amritsar, for instance, the Health Officer, assisted by private practitioners, has carried out a prolonged investigation of the kind, and in case any Hon'ble Members may be interested in the subject, I am placing on the table a statement\* showing the results of a medical examination of the pupils of the Government School at Amritsar. Arrangements are also made for medical examination at the Cathedral High School for Girls and at the Forman Christian College, and a similar inspection of the students of the Government College, Lahore, will be undertaken in January by a medical officer deputed for the purpose. At a later date it may be advisable to attempt to collate the results of such inspections, but the experiment is still in its infancy. There is no evidence that the health of the student population has deteriorated as is assumed in the question, although it is doubtless capable of much improvement."

The Hon'ble Rai Bahadur SHADI LAL asked :—" With reference to the question asked by me at the meeting of this Council held on the 2nd October last as to the pay and prospects of the members of the Provincial and Subordinate Educational Services in the province and the answer given thereto, and in view of the reports which lately appeared in the newspapers to the effect that the Secretary of State had sanctioned the tentative re-organisation of the Punjab Subordinate Educational Service, will the Government be pleased to lay on the table a copy of the scheme proposed and sanctioned, and if that is not deemed expedient, will the Government be pleased to explain the main features of the scheme, proposed and sanctioned ? "

The Hon'ble Mr. GODLEY replied :—" The Subordinate Educational Service as at present constituted is divided into six classes, which are subdivided into grades, and promotion is by grades. Salaries range from Rs. 15 to Rs. 400 per month. Under the new scheme it is proposed to remove the eleven appointments in the grades above Rs. 200 to the Provincial Service as soon as the reorganisation of the latter service is sanctioned. The posts of Rs. 500 and under will be divided into six classes, promotion within which will be by annual increments. The number of posts in the higher classes has been increased, and the minimum rate of pay has been raised to Rs. 20. Vernacular teachers will in future be paid an initial salary of Rs. 20—2—30, junior English teachers Rs. 35—3—50, and the two next classes, which are for teachers of higher qualifications and Assistant District Inspectors of Schools, contain posts of Rs. 55—3—70 and Rs. 75—3—90. Appointments in the classes above these, carrying salaries of Rs. 100—8—140 and Rs. 150—10—200, will be reserved for officers selected to hold District Inspectorships or the senior posts

\* *Vide Appendix B.*

[*Rai Bahadur Shadi Lal : Mr. Barron ; Mr. Diack. ]*

in schools. The general effect of the measure will be to open up prospects of regular promotion to a large number of teachers whose road has hitherto been blocked."

The Hon'ble Rai Bahadur SHADI LAL asked :—" With reference to the resolution moved, but subsequently withdrawn by me in this Council on the 16th March 1911, recommending to the Local Government that the Punjab Chief Court be raised to the status of a chartered High Court, in view of the sympathetic statement made on that occasion by His Honour, and in view also of the fact that the proposal has been supported both by the Punjab Hindu Conference and the Punjab Branch of the Moslem League and the Indian and Anglo-Indian Press, will the Government be pleased to state if the proposal has since been examined by the Government, and what the result of that examination is ? Will the Government be pleased to recommend to the Government of India that, having regard to the above facts, the Chief Court, which exercises jurisdiction over the capital of India, be raised to the status of a chartered High Court ? "

The Hon'ble Mr. BARRON replied :—" The matter has formed the subject of informal communications between the Government of India and the Local Government, and the Lieutenant-Governor is unable to make any announcement on the subject, but this question will be brought to the notice of the Government of India."

The Hon'ble Rai Bahadur SHADI LAL asked :—" Will the Government be pleased to state whether the scheme of the District and Sessions Judges has been submitted to the Secretary of State, and if not, when it is likely to be submitted ? "

The Hon'ble Mr. BARRON replied :—" The Local Government's proposals regarding the scheme of substituting District and Sessions Judges for Divisional and District Judges were submitted last month to the Government of India, but this Government is unable to say when or in what form the scheme will be forwarded to the Secretary of State."

The Hon'ble Rai Bahadur SHADI LAL asked :—" Will the Government be pleased to lay on the table a statement showing the initial outlay on building and equipment of the Lyallpur College of Agriculture, the cost of upkeep during the last three years, including all charges, the strength and cost of the tutorial staff, European and Indian (separately), and the average cost per head of student educated in the College, during the last three years ? "

" Will the Government be pleased to give similar information for the Agricultural Colleges at Poona and Coimbatore ? "

The Hon'ble Mr. DIACK replied :—" The information asked for is laid on the table,\* but will be useless for the purposes of the Hon'ble Member without some words of explanation. Figures have been given for the last three years in accordance with the question. But it must be remembered that the last three years have been years of development. Any attempt to strike averages for these years 1909—1912, or to work out the cost of education for each student, must only convey a very misleading impression.

" Thus, as regards the tutorial staff it should be explained that the Agricultural Chemist for the Punjab, the Agricultural Expert for the Punjab and the Economic Botanist for the Punjab are attached to the Colleges as Professors of Chemistry, Agriculture and Botany for teaching purposes, though a great, and indeed the major, portion of their work consists in the management of the agricultural farm at Lyallpur and in conducting research and investigation into matters concerning the whole province. In pursuance of the general policy of the Government of India these three experts would have been employed even if there had been no Agricultural College at Lyallpur.

\* Vide Appendix C.



[ *Mr. Diack; Khwaja Yusuf Shah; Mr. Barron; Khwaja Ahad Shah; Mr. Tollinton.* ]

"The Punjab Government have no information available as to similar expenditure for Agricultural Colleges at Poona and Coimbatore."

The Hon'ble Khan Bahadur Khwaja YUSUF SHAH asked :—“(1) Is the Government aware of the orders recently passed by the Bengal Government with regard to the granting of leave to Muhammadan employes of Government on Fridays to say their ‘Juma’ prayers?”

“(2) Will this Government be graciously pleased to issue similar orders, which will, I am sure, be gratefully appreciated not only by those who are in the service of Government, but by the entire Muhammadan community in this province?”

The Hon'ble Mr. BARRON replied :—“Government has seen a reference to the subject in the public press, but is not aware of the terms of the order said to have been issued by the Bengal Government. A copy of this will be obtained.”

“Government understands that facilities are already given in Government offices in this province to Muhammadan employes to say their prescribed prayers and also the public Friday prayers when they particularly desire to do so and when the state of public business permits. After seeing how the Bengal Government provide for the difficulty involved in stopping work on Friday during the hours of public prayer, it will be decided if it is desirable to issue a general order on the subject. Requests for facilities for prayer have always been sympathetically treated in the Punjab with its large proportion of Muhammadan inhabitants.”

As the Hon'ble Khwaja AHAD SHAH could not be present, the following question which stood in his name was asked by the Hon'ble Rai Bahadur SHADI LAL :—

“Will the Government be pleased to state for the information of Council—

- (a) Is Government aware that rule 6 (1), relating to the qualifications of the Members of the Provincial Council, is not sufficiently clear, and there remains a doubt in deciding as to ‘the place of residence’ of a candidate for election?
- (b) Is Government prepared to add, under the said rule, a note defining “place of residence” in a manner (1) that the matter be sufficiently clear, and (2) that there remain no possibility for any doubt in the future?”

The Hon'ble Mr. BARRON replied :—“The Hon'ble Member's question evidently refers to rule 6 (1) of Schedules II and III which deals with the qualifications of candidates for election as representatives of municipal committees and district boards on this Council. One of the qualifications required is that a candidate shall have a place of residence in the group for which he seeks election. Government is advised that no difficulty has been experienced in understanding the meaning of the words ‘a place of residence.’ It is not necessary for the purpose of these elections to determine the place of a candidate's residence using the word in the sense of domicile as the Hon'ble Member suggests, and Government does not propose to add any explanatory note on the subject to the rules.”

#### THE PUNJAB FOREST (SALE OF TIMBER) BILL.

The Hon'ble Mr. TOLLINTON :—“I beg to present the Report of the Select Committee on the Bill to provide for the control of the sale of timber and the establishment of the sale depôts for such timber in the Punjab.

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

"As Hon'ble Members will see from the report we have not made any very important alterations in the Bill. The most important is the introduction into the Bill of certain provisions of the Forest Act, 1878, mostly dealing with confiscation and disposal of produce with respect to which forest offences have been committed. Those provisions are now made applicable to infringements of rules under this Bill.

"Though we have not made great alterations in the Bill, we have satisfied ourselves that the measure will combat a real evil. We do not say that it will make forest offences impossible, but our examination of forest and police officers leads us to suppose that the existence of unregistered sale depôts does facilitate riverain thefts, and a measure which will control these depôts must cause those thefts to decrease.

"Following the presentation of this report, there is a motion to be made by the Hon'ble Khwaja AHAD SHAH."

His Honour the PRESIDENT :—"I am afraid that motion cannot be put, but we have no objection to your noticing it. We know what the purport of it was, and as the objection might be taken by other people, perhaps you might notice it in your remarks."

The Hon'ble Mr. TOLLINTON :—"I take it that, the intention of the Hon'ble Khwaja AHAD SHAH's motion, as appears from the printed note on the paper, was that the Bill should be re-committed to the Select Committee, and the point of his objection is that our measure will not effect what it purports to effect, and that the only way to prevent thefts of forest produce is largely to increase the establishments. It appears to me that the maintenance of a sufficiently large establishment absolutely to stop thefts of forest produce is an absolute impossibility. No firm and no Government could undertake it. However Government is alive to the necessity of strengthening the establishments, and in conjunction with the present Bill, that will be done, and also, as suggested by the Financial Commissioners, it is proposed to introduce a system of transit pass rules which will also make the present measure more effectual. I do not consider that any practical good would be done by referring the measure back to the Select Committee. We have had several meetings and we have done what possibly is rather unusual ; we have examined expert forest officers and police officers, and as the result of that examination, as I say, we are convinced that the evil exists, and this Bill is one of many measures that will decrease it.

"I move that the Bill be taken into consideration."

The Hon'ble Mr. SHADI LAL :—"Your Honour, I was one of the Members of the Select Committee which considered this Bill. As the Hon'ble Mr. TOLLINTON has pointed out, we had several meetings of the Select Committee ; we examined experts of the Forest Department and Police Department, and the only conclusion we could come to is what is recorded in the report of the Select Committee. It seems to me that there is an admitted evil, and we must find some remedy for it. Possibly some better remedy might be suggested, but none has been suggested, and the only remedy we can think of is the one provided by the Bill. I therefore support the motion which has been brought forward by the Hon'ble Mr. TOLLINTON."

The motion was put and agreed to.

The Hon'ble Mr. TOLLINTON :—"I have nothing further to add on the subject of the Bill except to move that the Bill, as amended by the Select Committee, be passed."

The motion was put and agreed to.

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

## THE REDEMPTION OF MORTGAGES (PUNJAB) BILL.

THE HON'BLE MR. FENTON :—" Your Honour, I beg to present the Report of the Select Committee on the Bill to provide a summary procedure for the redemption of certain mortgages of land in the Punjab ; and at the same time to move that the Bill be taken into consideration. I notice that there are a couple of amendments on the agenda paper, of which the Hon'ble Mr. SHADI LAL has given notice. These amendments do not go very far ; the first is a trifling matter. The second no doubt is of some importance, but it does not embrace the whole question of whether the Bill should or should not be passed. In connection with these amendments it will be possible to confine the scope of the debate, but it is just possible that the Hon'ble Mr. SHADI LAL may have in contemplation a motion that the Bill be rejected in connection with the motion, which I shall subsequently move, that it be passed into law. Our legislative rules do not require any notice whatever to be given of a motion that a Bill be rejected, although it does require notice to be given of specific amendments.

" However, I cannot overlook the fact that, appended to the Report of the Select Committee, there is a lengthy Note of Dissent by the Hon'ble Mr. SHADI LAL, and it is just possible that he may follow up that Note of Dissent by an attack on the whole principle of the Bill. On the other hand, it is just possible that he will consider discretion to be the better part of valour and shrink from exposing what I may call the weak and defective arguments in that note to the full criticism of the Council. However, I am not going to anticipate any arguments which would be advanced to meet and defeat those of the Hon'ble Mr. SHADI LAL. It will be time enough to do so when he does present them. Meanwhile, in moving that the Bill be taken into consideration, I think it will suffice to express the anticipation that the particular arguments which he may advance will be amply met when the time comes. My motion therefore is that the Bill be taken into consideration."

His Honour the PRESIDENT to the Hon'ble Mr. SHADI LAL :—" I suppose your amendments would come on when the Bill is taken into consideration ? "

THE HON'BLE MR. SHADI LAL—" Yes, but may I repeat the request I have made in my Note of Dissent that the discussion of the Bill be postponed and that official and non-official opinions be invited ? The measure is a very important one and involves a principle of vital importance, and it is, therefore, necessary that we should give the public sufficient time to express their views. The Bill, after its introduction in the Council, has not been circulated to non-officials and only a limited number of officials were selected to give their opinions, and they too complained of the shortness of time within which they had to record their views. This is hardly a satisfactory state of affairs.

" It will perhaps be urged that before the Bill was submitted to the Government of India it was subjected to the criticism of officials as well as non-officials. My answer to that is two-fold. In the first place, the Bill before the Council is materially different from the Bill which was circulated. In the second place, it is one thing to give opinion on a Bill which is yet in a preliminary stage and about which there is no knowing whether it would be accepted by the Government of India and whether it would be introduced in the Council at all, and it is quite a different thing to give opinion on a Bill which has been introduced in the Council and is about to become law. The two frames of mind are quite different.

[ *Mr. Shodi Lal; Rai Bahadur Hari Chand; Mr. Muhammad Shafi; Sir Bahram Khan.* ]

"I, therefore, submit that there is no necessity to rush the Bill through the Council, and that the Bill be returned to the Select Committee for obtaining opinions."

The Hon'ble Rai Bahadur HARI CHAND.—"Your Honour, I respectfully submit that the Bill is a very important one. It affects of course no doubt one very important class and I submit we are not in a position to know what opinions have been taken; Members of the Select Committee know. But as I hear from the Hon'ble Member that no non-official opinion has been taken on the Bill; only five Deputy Commissioners were consulted; so, as the Bill is a very important one, it should be postponed and circulated, and the opinions of the non-officials, as well as officials, taken."

The Hon'ble Mr. MUHAMMAD SHAFI: "It will be within the recollection of the Hon'ble Members that this Bill, as originally drafted, was circulated throughout the province to a very large body of persons, official and non official. As regards non-official opinions, opinions of thoroughly representative persons were sent to Government in connection with the Bill. That Bill was placed before a committee of officials and non-officials. I might remind my learned friend that he and I were the two non-official members of that committee, and the committee fully considered the opinions of the officials as well as of the non-officials which had been submitted to Government. And perhaps it will be within the recollection of my Hon'ble friend that the majority of non-official opinions pointed out that the Bill as originally framed would not carry out the object of avoidance of unnecessary trouble to the mortgagor or the mortgagee as both the parties would appear before the Collector and only in case of mutual agreement will the Collector order redemption to take place. The majority of non-official opinion, so far as I recollect—and I think the Hon'ble Mr. FENTON will bear me out that my recollection is probably correct—was strongly to the effect that something more than that was needed in order to facilitate the redemption of mortgages. It was in deference to the opinions, which were expressed by the majority of officials and non-officials of this province, that the Bill was drafted on the lines on which it now stands and was fully considered by the Committee. With your permission I would submit one fact that my learned friend, who represents the non-agricultural Hindu community, and myself, who might be said to have a claim to represent to a certain extent the Muhammadan community of this province, were members of that committee. Subsequently the Bill, after having been approved by the Government of India, was introduced in this Council in September last, and has been published in the Gazette as well as in the principal newspapers which take any further interest in this measure. It was drafted in accordance with the opinion of the majority of the people of this province and has been circulated. It is not the fault of Government that only so very few opinions have now been sent. The fact that so very few opinions have been sent up leads to the conclusion that the Bill as now framed represents the majority of public opinion in this province and the public opinion is satisfied that the Bill as at present framed does not require any further comment."

The Hon'ble Nawab Sir BAHRAM KHAN spoke in Urdu, a translation of which is as follows:—"The Bill, which has been introduced by the Hon'ble Mr. FENTON, is a very useful one. It deals with the redemption of mortgages of lands with which the Revenue Officers have the most to do. I think I can speak with some authority and after full consideration I can say that the powers conferred upon the Revenue Courts by the present Bill will be very useful and the Collector will be a better man for this purpose than the District Judge. Even intricate cases can be disposed of by the Deputy Commissioners and Assistant Commissioners who have revenue powers better than the District Judge who is always at the head-quarters. The Deputy

[ *Sardar Sundar Singh ; Lala Sultan Singh ; Mr. Fenton ; The President.* ]

Commissioners and Assistant Commissioners will possess an additional advantage that they will be going on tours and would thus be able through their influence to settle the disputes on the spot."

The Hon'ble Sardar SUNDAR SINGH, MAJITHIA:—"Your Honour, I think I may say a few words in connection with this Bill, belonging as I do to the agricultural community of the Punjab. I think the measure put forward by my Hon'ble friend Mr. FENTON is a laudable measure which provides a great want of the agricultural community, particularly of those who have mortgaged their lands. As the Hon'ble Mr. FENTON put it when he introduced the Bill, the trouble of mortgagors, who wanted to redeem their lands, was very great, and I think it is mainly to the good that there is something put forward. To my mind this Bill is a very good one, and I think it would be liked by the agricultural community. Under the circumstances I respectfully submit that the Bill should be passed."

The Hon'ble Lala SULTAN SINGH :—" Your Honour, this Bill introduces an important principle of transferring the power of the Civil Court to the Revenue Officers. This is also a measure which I believe does not exist in any other province in the country."

The Hon'ble Mr. FENTON :—" I rise to a point of order. The sole question is whether the Bill be referred back to the Select Committee."

His Honour the PRESIDENT :—" Or whether it be taken into consideration. I think the Hon'ble Member is in order."

The Hon'ble Lala SULTAN SINGH :—" Sufficient publicity to this Bill has not been given, and as to the few opinions recorded, the weight of these opinions seems to me to support the motion of the Hon'ble Mr. SHADI LAL that the Bill be reconsidered."

The Hon'ble Mr. FENTON :—" Sir, I would respectfully and emphatically traverse the contentions of the Hon'ble Mr. SHADI LAL that the Bill in its present form is very different from the previous Bill which was widely circulated throughout the province. The main principle of the Bill is to provide a summary procedure for redemption of mortgages of land and to bring the mortgagor and the mortgagee together. In regard to that principle there has been ample opportunity for examination and scrutiny by critics of every class, officials as well as non-officials. I would just like to call attention to a few of the non-official opinions which have been received, Lalas Gela Ram and Payare Lal, Pleaders, Muzaffargarh, say that the proposed legislation is extremely desirable as it provides in the first instance a summary process in the way of the settlement of the dispute as to the mortgage money."

"Munshi Ghulam Bari, Pleader, Lyallpur, says:—'The measure now under consideration of the Punjab Legislative Council will surely check such litigation which is really unnecessary and the real cause of which can be seen as the outcome of the mortgagee's unfair attempt to go on with the mortgage as long more as possible.'"

"Lala Prabh Dyal, Pleader, Lyallpur, says:—'I have gone through the draft Bill of Redemption of Mortgages of immoveable property in the Punjab and have considered the sections of the Bill carefully. The provisions seem to have been considered well. The object of the Bill is no doubt a laudable one indeed.'"

"Rai Bahadur Lala Sheo Parshad, Rais and Honorary Magistrate, Delhi, says:—'I think the legislation proposed is a good one and will be appreciated by the class of persons whom it is intended to benefit.'"

[ *Mr. Fenton.* ]

" 'Munshi Abdul Ghani, Pleader of Karnál, is of opinion that a summary procedure to enable the mortgagor to get back his property has long been needed in the Punjab.'

" 'Lala Jai Lal, Pleader, Chief Court, Punjab, Simla, says :—' In my opinion the proposed legislation is a real necessity which is often felt by the mortgagors and I strongly support the proposed Bill.'

" 'Lala Barkat Ram, Pleader, Chief Court, Punjab, and Honorary Sub-Registrar, Gujranwála, says :—' .....There is no question as to the utility and prospective beneficial effects in bringing the mortgagor and the mortgagee to an easy settlement, or to enable the mortgagors to understand their contracts by the enactment of some law on the lines of sections 83 and 84 of the Transfer of Property Act.....'

" 'Lala Gopal Das, Bhandari, Pleader, Amritsar, says :—' The new Act shall prove in every respect a most useful provision for the settlement of the matters between the mortgagor and the mortgagee in a most convenient, speedy and less expensive way.'

" 'Mr. A Muir Masson, Secretary, Punjab Banking Company, says :—' that in the opinion of our Managing Director all the provisions of the Act seem just and reasonable.'

" 'Sardar Kharak Singh, Pleader, Chief Court, says :—' It cannot be denied for a moment that there is a pressing need for the proposed piece of legislation to be brought into force in the Punjab, inasmuch as the present legislation does not provide any means for redemption of mortgages and for ejection of the usufructuary mortgagees.'

" 'The Manager, Punjab National Bank, Limited, Lahore, says :—' I agree with the principle and the procedure adopted in order to facilitate the redemption of immoveable property in the Punjab.'

" 'Rai Bahadur Ram Saran Das of Lahore says :—' I beg to say that in my opinion the measure proposed will be a very useful one, and will in many cases afford to mortgagors a speedy way of getting back the mortgaged property.'

" 'and so on and so on.

" 'There are perhaps 50 or 60 opinions of this sort in favour of the principle of the Bill. It is impossible therefore to say that there has been no consideration by non-official persons of the main principle which this Bill designs to enforce. There is no wonder then that the Government of India have said that 'after careful consideration of the provisions of the draft Bill they are ready to accept the general outlines of the draft and that the need of a summary means of coming to a decision in cases between small peasant mortgagors and their creditors is very generally acknowledged, and there appears to be no more satisfactory method of meeting the want than that put forward in the Bill.'

" 'The only change of importance that has been made in the Bill since all these numerous non-official persons have seen it has been the substitution of Collector for the District Judge and the reasons for the substitution will be referred to later as the Hon'ble Mr. SHADI LAL will move an amendment for the restoration of the original court. I think the contention cannot at all be maintained that the principle of the Bill has not been sufficiently discussed and canvassed by non-official critics. I should just like to ask what are the non-official Members of this Council for. Is it not their duty to ascertain between the date of introduction of the Bill and the date of its coming forward for debate, what is the opinion of the non-official world with which they are in touch and to represent in this Council any views so ascertained? Furthermore, do the Deputy Commissioners, whose opinions have been received, not represent non-official opinion? Are they not

[ *Mr. Fenton ; Rai Bahadur Shadi Lal ; Mr. Meredith.* ]

more in touch with the classes for whose benefits the Bill is to be passed than the representatives of what may be called non-rural constituencies. I think every one knows that the Collector as the head of a district is in a better position for voicing the opinion of the agricultural population of his district in regard to a legislative measure of this sort than the great majority of those who never move outside the circles of their urban constituencies. I therefore very strongly deprecate any further consideration of the Bill under consideration."

The motion that the Bill be taken into consideration was put and agreed to.

The Hon'ble Rai Bahadur SHADI LAL moved that sub-clause 3 (b) of clause 1 be omitted. He said :—"The amendment, Sir, which stands in my name deals with an important change which has been effected by the Select Committee in the Bill as it was introduced in the Council. As the Hon'ble Members are aware, the Bill is confined to mortgages of land where the area does not exceed 30 acres. That was the order of the Government of India, and in pursuance of that order the Bill was confined to those areas. Now the Select Committee has gone beyond that. The Select Committee has taken not only the area as the test of jurisdiction, but has also taken the mortgage money. I should say the principal mortgage money, as the test of jurisdiction. This clause, which I want to be deleted, lays down that, irrespective of area, if the mortgage money does not exceed Rs. 1,000, then the provisions of the Bill will apply. My humble contention is that, in a measure of this great importance, the Select Committee ought not to have gone beyond the limit which has been laid down by the Government of India, more especially without obtaining the previous permission of the Government of India, and without obtaining the non-official opinion with respect to the change. It is a very important matter and should not be lightly considered. There was only one Deputy Commissioner who made that suggestion, and on the strength of that suggestion, this change has been made in the Bill. His argument, as far as I understand it, was to the effect, that in some places there is land which is not very valuable and a larger area than 30 acres is sometimes mortgaged for less than one thousand rupees, and it is necessary that this Bill should apply to those mortgages. That argument overlooks the fact that there are a large number of mortgages which were executed long ago, which affect large areas in places where the land is by no means cheap, but as those mortgages were effected a long time ago, the principal mortgage money is one thousand rupees or less than that. Since then it is quite possible that the amount due has become much more than Rs. 1,000. In connection with those mortgages complicated questions of law and fact arise, and it is very undesirable that the Revenue Officers should go into all these disputes between the mortgagor and the mortgagee and settle them at once and should turn out the mortgagee and ask the mortgagor to take possession of the property. Therefore I think that this change which has been effected by the Select Committee should not be accepted and the Bill should be confined to the original purpose for which it was intended."

The Hon'ble Mr. MEREDITH :—"With your permission, Sir, I should like to ask the Hon'ble Member in charge of the Bill whether it has been considered that this clause may afford inducement to mortgagors to enter fictitious sums as the consideration. There seems to be every inducement for people to enter a sum just over the thousand rupees, so as to bring it outside this Bill. I imagine that the number of deeds for Rs. 1,001 will possibly be very numerous. We have precedents for this in the Law of Pre-emption, and also in the Law of Registration, where the number of deeds executed for Rs. 99 is very large; and in pre-emption cases it is a very common thing for fictitious sums to be entered as consideration money, and it seems to me that there is that objection to the introduction of this clause in the Bill."

The Hon'ble Mr. FENTON :—" With reference to the Hon'ble Mr. MEREDITH's enquiry, I would remind him that the clause is not operative at all if the area mortgaged is 30 acres or less. It is only when the area mortgaged is over 30 acres that the question of the thousand-rupee limit has been imposed. The reasons for this additional limit are given in Mr. Kettlewell's opinion on the Bill. He says ' in the first place, the scope of the Bill might suitably be enlarged to 50 instead of 30 acres. Mortgages are generally made in this part of the world with kanals and in a district like this, where holdings, though intrinsically of small value, often run into large areas with scattered patches of cultivation, mortgages even by comparatively small proprietors often run on paper into large figures, although the actual area of cultivation and value are quite small. Instead of 30 acres which represents 240 kanals I would make the Bill cover at least 50 acres or 400 kanals, a round number. It is also a question for consideration whether money limit based on the mortgage money would not be more suitable than a limit of area. Thirty acres of land close to a large town might be worth a very large sum in mortgage value, whereas 400 or 500 acres in say the Thal tract of the district are worth very little.' The limit of 30 acres was suggested by the Punjab Government simply as a round figure and because it would cover the one-square holdings in the colonies. Now, if a peasant proprietor mortgages a one-square grant in a colony, consisting of about 27 acres, the value of that runs from Rs. 3,000 to Rs. 7,000, so that it would be quite feasible to effect a mortgage of property up to Rs. 7,000 without going outside the scope of the Bill. That being so, what objection can be taken to a money limit of a thousand rupees simply because the area exceeds 30 acres. The practical effect will be that where the value of the mortgage money exceeds Rs. 34 an acre, the acreage limit will apply, and it is only where the land is very cheap, for instance when a large portion of it is uncultivated, that the money limit will come into operation. The addition that has been made is not of very great importance. It is only an expedient for meeting this objection of Mr. Kettlewell. If the Council think that another pecuniary limit would be preferable, or that the acreage limit should be raised, I have no objection. But I do think that the owners of the poorer land in the West of the province ought not to be excluded from the scope of the Bill. Therefore I am in favour of adhering to the recommendation of the Select Committee."

His Honour the PRESIDENT :—" I think the matter is entirely one on which Hon'ble Members should pronounce an opinion as they feel advised. When the Bill was under discussion, the question as to whether an acreage limit should be taken or a pecuniary limit of value should be taken was frequently debated. Personally, I was myself rather in favour of the pecuniary limit of value so as to secure some equality throughout the province, but it was pointed out to me that the whole of this procedure is intended to be summary and simple and can in no way trench on the province of the Civil Courts, and that if we fixed a limit of value, we might be involved in very long and intricate enquiries as to what was the real value, and that thereby the provisions of the proposed measure might to a certain extent be defeated. It was also pointed out that it was highly desirable in the case of the colonies, as Mr. FENTON has told you, to assume some limit which would cover the one-square grant to the peasant *abadkars*. On the whole I deferred to the majority of opinion in favour of having an arbitrary limit of area. Of course the difficulty that a limit of area introduces, which is now under discussion, was foreseen at the time ; but on the whole we thought that 30 acres might possibly meet the case. It now appears that in the West of the province very large areas in that direction are mortgaged for very small sums, and the question really now before Council is whether we should still adhere to the area of 30 acres which the Government of India has approved, because it has this merit that, it does include the small peasant colonist, or whether we should try to modify



[ *Mr. Shadi Lal.* ]

slightly the Bill so as to confer the benefits, if there be benefits in it, upon the proprietors of these poorer lands in the West of the province which are mortgaged at small amounts. I do not think I need say any more; I have only made these remarks just to make it clear why this clause has come into existence in its present form."

The amendment was put and lost.

The Hon'ble Mr. SHADI LAL moved that sub-clause 2 and clause 3 be omitted and the words 'District Judge' be substituted for the word 'Collector' in clauses 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15 and 16. He said:—"Your Honour, I beg to propose my second amendment. The object of that amendment is to substitute the Civil Court for the Revenue Officer. The Hon'ble Mr. FENTON mentioned a few minutes ago that the Bill, which was originally drafted and which was submitted for opinion to the officials and non-officials, did not invest the Revenue Officer with jurisdiction to decide those matters which had to be decided in the Civil Court. That change was made by the sub-committee which sat at Simla. I regret to say that I was against that change, but it was carried and the Bill, as altered by that committee, was submitted to the Government of India. Since the change has been made, it must be admitted, that the Bill has not been circulated to the non-official persons of this province. No non-official opinions have been given and my contention is that the change makes all the difference in the world so far as this Bill is concerned. If it was the Civil Court that was invested with jurisdiction to take this summary procedure, I would be entirely in favour of the Bill. My point is, you are taking away jurisdiction of the Civil Courts, and you are investing Revenue Officers with powers which ought not to be with them. In all other provinces of India we have got Revenue Officers and we have got Civil Courts, and suits in respect of mortgages are decided by the Civil Courts. There are two sections of the Transfer of Property Act, sections 83 and 84, which provide summary procedure for the redemption of mortgages. Why not apply those sections to the Punjab? There is a contention that the Civil Court acting under the sections of the Transfer of Property Act does not decide the matter summarily, but the mortgagor is asked to go to a regular court and file a suit for the redemption of mortgage. If you want to make an advance in that direction, by all means give the Civil Court summary power to decide these contentious matters; but I am certainly opposed to giving these powers to the Revenue Officers. Revenue Officers, if I may be allowed to submit, have neither the time nor, if I may say so, the experience to decide these complicated questions of law and fact. This matter has been considered by the Hon'ble Judges of the Chief Court, and may I be allowed to read the opinion of the Hon'ble Mr. Kensington. He says:—"I am entirely in favour of cutting out altogether the proposed power to the Revenue Officer of dealing in any way with contentious points, and in the interests of all parties concerned I trust that the futility of expecting Revenue Officers to be able to deal efficiently with difficult questions of the sort, to the satisfaction of the parties, will be recognized to the extent of recasting the Bill." This is a very weighty opinion and it has been agreed to by other Judges of the Chief Court.

"There is no precedent in other provinces of this country, and I have not been able to find out any argument at all, why this departure is going to be made in this province. I am entirely in favour of the view that the laws in this province should not materially differ from the laws of other provinces and we should not make legislative experiments. If there is really a case for helping the mortgagors in redeeming their lands, by all means invest the Civil Courts with summary jurisdiction. But what is the case for taking away that jurisdiction from the Civil Courts and conferring it on the Revenue Officers? I must say I have not been able to find out any cogent

[ *The President ; Lala Sultan Singh ; Mr. Meredith ; Mr. Fenton.* ]

argument in favour of that contention. The Hon'ble Mr. FENTON did not mention any reason why the change has been made, and so far I myself have not been able to find out one. I therefore beg to propose this amendment."

His Honour the PRESIDENT :—" This is a matter that the Hon'ble Mr. SULTAN SINGH might speak on if he likes."

The Hon'ble Lala SULTAN SINGH :—" In view of all the remarks which have fallen from the Hon'ble Mr. SHADI LAL, I beg to accord my hearty support."

The Hon'ble Mr. MEREDITH :—" May I make a few remarks. In referring to sections 83 and 84 of the Transfer of Property Act it seems to me that the Hon'ble Mr. SHADI LAL has ignored the references in the opening speech of the Hon'ble Member in charge of the Bill, in which it was distinctly said that these sections did not confer possession upon the mortgagor, and that there was a reason why it was considered that the application of these two sections to this province would not afford a remedy for the evil that the present Bill seeks to remedy. He also objects that the reference of this question to Revenue Officers is not advisable because the officers who will deal with the questions have neither the time nor the experience to deal properly with them. I must say that my experience of the Deputy Commissioners of this province, who will be the officer to deal with these questions, does not correspond with that of the Hon'ble Member if he considers that they have not sufficient experience to deal with the question. I have always seen that the care and pains which they take to elucidate difficult revenue questions is deserving of all praise, and I think they may be safely trusted with the decision of this point. As to their not having sufficient time I presume that may be left to Government, who will afford them relief in other departments if it is found that the decision of these questions leaves them no time for other work.

" With regard to the objection that there is no reason why the Punjab should have a different procedure from other provinces in India, that argument appears to me to be somewhat misleading. Surely we may leave other provinces to set their own house in order, and if we find a measure that will relieve a large number of the poorer mortgagors and which is considered necessary for this province, it is our duty to introduce it and to leave other provinces to settle their own affairs, or to follow our own example if they think fit."

The Hon'ble Mr. FENTON :—" I have to thank the Hon'ble Mr. MEREDITH for pointing out that the Hon'ble Mr. SHADI LAL has ignored what I have said in my remarks in introducing the Bill as to the reasons justifying the measure. I there pointed out that the Bill is needed in order to avoid the delay and also the expense involved in the present procedure of redemption by suit in the Civil Court. But as regards his contention that the procedure under this Bill is more appropriate to the Civil Court than to a Revenue Officer, I would ask whether it is not the case that the procedure under this Bill differs but little from that already carried out by mutation officers. In other words, this is nothing more than a special kind of mutation procedure. Decisions on questions of title in a very large number of cases are now given by the mutation officer and, but for one circumstance, there is nothing in the present Bill which could not be effected in the course of mutation proceedings; but that one circumstance is quite sufficient to justify a special measure. Now in introducing the Bill, I pointed out how very important it was that all questions connected with redemption should be settled promptly, and how very often it is the case that time is of the essence of the situation. Our mutation rules do not require Revenue Officers to visit a village more than once a year. There is no provision for mutation at other times, and accordingly

[ *Mr. Fenton.* ]

the mortgagor who is in a hurry to redeem before the expiry of the month or two months during which, under the terms of the contract, redemption is permissible, cannot afford to wait on the chance of the mutation officer coming round to his village in time. It would be a very serious inconvenience if he had to suffer another year's delay in consequence of the Revenue Officer not coming round in time. It is for this, and not for any other reason, that the existing mutation procedure is insufficient to meet the requirements of the situation in which mortgagors are so often placed. Otherwise, there is nothing in this Bill which is not already part and parcel of our present mutation procedure. Throughout the province mutation officers every day are passing orders in summary proceedings in which questions of title are decided, and in the course of these proceedings they are, as in this Bill it is contemplated that they should be, empowered to place in possession the persons whom they may consider best entitled. Now in connection with such mutation proceedings we are not told, as we are now being told by Mr. SHADI LAL, that the functions of the Civil Courts are being encroached upon. As a matter of fact they are not encroached upon, and they are not encroached upon under this present Bill. The provisions of this Bill in every way safeguard the Civil Courts and empower them to set aside any orders that may be passed by Revenue Officers, just as Civil Courts are empowered to pass orders which conflict with the decision of mutation officers. It is, therefore, a strange misreading of the provisions of the present Bill to describe it, as the Hon'ble Mr. SHADI LAL does, as an encroachment upon the functions of the Civil Court. Then he proceeds to say that we are departing from the practice of other provinces, and that there is no precedent in other provinces for legislation of this kind. This idea that in the Punjab we are departing from the policy of other provinces by allowing the Revenue Officers to encroach upon the functions of the Civil Courts is entirely without foundation. There is not a single Act in our statute book for which a counterpart could not be found in the codes of other provinces. Our revenue jurisdiction is practically identical with the revenue jurisdiction exercised by the Revenue Courts in the United Provinces. The giving of decisions on questions of title in mutation cases is a feature of the legislation of, I believe, every province. Our Land Alienation Act has been copied. In the United Provinces in four districts and in part of the fifth—the Sadr district of Allahabad—the Bundelkhand Alienation of Land Act is in force, and is almost an exact copy of our Act XIII of 1900. There are Acts and enactments which go very far beyond anything that we have ever done in this province in the way of ousting the jurisdiction of the Civil Courts. I refer to the Sind Encumbered Estates Act, the Bundelkhand Encumbered Estates Act, and Kaira and Broach and the Chota Nagpur Encumbered Estates Acts. These all provide a most drastic procedure for liquidating the debts of proprietors without any interference of the Civil Courts; and in the course of such procedure Revenue Officers are empowered to dispossess mortgagees without paying any redemption money.

"Other examples of what the Hon'ble Mr. SHADI LAL would doubtless regard as objectionable encroachments by the Revenue Department could be cited from the Provincial Codes. I may just refer to one such—a recent piece of legislation, the Bombay Mamltdars' Courts Act of 1906—which in some respects resembles the Bill now under consideration, as it empowers the Revenue Officers, who correspond to our Tahsildars, to decide certain questions of title and give possession in accordance with such decisions subject to the right of the dissatisfied party to bring a suit in a Civil Court.

"I would also like to remind the Council that, so far from the tendency of legislation in this province being to enlarge the jurisdiction of Revenue Officers, it has been quite the reverse. For some 40 years all civil cases were

[ *Mr. Shadi Lal; Nawab Sir Bahram Khan.* ]

decided by Assistant Commissioners and Tahsildars and appeals went to Deputy Commissioners and Commissioners; and in those days the Chief Court Bench was recruited from the ranks of Commissioners, and very good judges they made. It is only necessary to mention the names of Barkley and the two Smyths. For nearly 40 years that was the condition of the province. But gradually the Judicial Department began to be specialised; first of all came the Munsifs, and then Extra Assistant Judicial Commissioners and Additional Commissioners. In 1884 a wholesale transfer of work from Revenue Officers to specialised civil officers took place when District Judges and Divisional Judges were created. Quite recently we have gone in for further specialisation, and above the seventh grade of Extra Assistant Commissioner in the Provincial Service the line has been kept quite apart. It is therefore impossible to say that our tendency has been towards enlarging the functions of the Revenue Officers. What the policy has been is that each department has been enabled to specialise in particular work, and as Revenue Officers are best qualified to dispose of a particular class of cases, it is most desirable that they should do so.

"The Hon'ble Mr. SHADI LAL in his Minute of Dissent says that 'he does not see the force of' the remark that Land Revenue Officers are better qualified to dispose of such cases. It is really not the *force* of the remark, it is the *truth* of the remark that is important, and that Revenue Officers are best qualified to dispose of such cases is, I think, the verdict of all experience."

The Hon'ble Nawab Sir BAHRAM KHAN spoke in Urdu, a translation of which is as follows:—"Your Honour, I have to say something in connection with the Bill for Redemption of Mortgages which the Hon'ble Mr. FENTON has introduced and the Hon'ble Rai Bahadur SHADI LAL has opposed. The Hon'ble Mover has in his tours been impressed with the necessity of such a law and has therefore brought forward this Bill in its present form. The Select Committee has after consideration admitted its necessity and has introduced the necessary amendments. I have considered the Bill in all its aspects in the capacity of a zamindar and cannot find anything to justify its postponement. Though it has been published in the Gazette and the papers also, the public has not so far in any way opposed it. It is just possible that its postponement might create fictitious difference. So far as my experience goes this Bill would be equitable and useful for both the mortgagor and the mortgagee. I therefore respectfully and strongly recommend that this Bill be passed."

The Hon'ble Mr. SHADI LAL:—"I would like to make a few remarks in answer to the Hon'ble Mr. FENTON. I am afraid perhaps I did not make myself quite clear. There is no argument advanced in the opening speech of the Hon'ble Mr. FENTON as to why jurisdiction has been conferred on the Revenue Officers, and why the District Judges are not invested with that jurisdiction. We were told by the Hon'ble Mr. FENTON that the original Bill, which was circulated for opinion, conferred that jurisdiction on the Civil Courts."

The Hon'ble Mr. FENTON:—"Also on Revenue Officers,—section 23 of the original Bill."

The Hon'ble Mr. SHADI LAL:—"In any case the Civil Courts were authorised to deal with these matters. Why is the jurisdiction of the Civil Courts taken away? No answer has been given to my question. My

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

contention again is that in other provinces you will not find a single instance where the Revenue Officers are authorised to deal with mortgage disputes. Disputes in connection with mortgages raise complicated questions of law and fact. The question of limitation arises, the question of right to redeem arises and there is the question of how much money is due, and these questions are not properly within the cognizance of the Revenue Officers. The Hon'ble Mr. FENTON has suggested that in other provinces also the jurisdiction of the Revenue Officers is very much the same as in this province. With all due deference to him, I beg to demur to that statement. If the Hon'ble Mr. FENTON will compare the Punjab Tenancy Act with the Tenancy Act of the United Provinces, he will find that the jurisdiction in the Punjab is much more extensive than the jurisdiction of the Revenue Officers in the United Provinces. Then he cited several Acts which deal with encumbered estates. I submit the analogy does not apply. Encumbered Estates Acts correspond to what is called Court of Wards Act in this province, and I submit that Court of Wards in this province has got similar powers to those which are exercised by the Courts under the Encumbered Estates Act.

"Then he said that, in this province, far from there being a tendency to transfer jurisdiction to the Revenue Officer, the tendency has been just the other way, and the Hon'ble Mr. FENTON used these words:—'That there has been a transfer of work by the Revenue Officers to the Civil Courts.' With all possible respect to him, I must say I was rather surprised to hear that remark from him. The mere fact that certain functions, Civil as well as Revenue, were united in one person, and since then there has been a separation of those functions, does not mean that there has been a transfer of jurisdiction from Revenue Officers to the Civil Courts. We even now find that the Deputy Commissioner is the District Magistrate and Collector. That does not mean that the Revenue Officer is exercising magisterial jurisdiction—far from it. The only thing that happens is that the same functions are united in one person. They may be separated at any time, but that does not at all mean, if their separation takes place, that there has been a transfer of jurisdiction from the Revenue Officers to the Courts. That transfer has taken place in many other places and many countries, but this certainly does not mean a transfer of work from the Revenue Officers to the Civil Courts. I still hold that no sufficient ground has been made out for making a change in this province. There are other provinces of this country which have gone on very well with their mortgage redemptions. In this province also redemptions have so far taken place, and I do not see why in the year of grace 1912, we should be taking this retrograde step."

His Honour the PRESIDENT:—"I might easily point out that there are very special reasons in this province for adopting measures which are perhaps somewhat special, and that is that the province is a province of peasant proprietors, and consequently there is an enormous amount of petty litigation and petty disputes concerning land, which is very largely in excess of that which exists in any other province. Also the agricultural classes unfortunately are singularly ignorant in this province; at any rate as far as education goes, and they therefore stand in need of special protection in the matter of disposal of land. I think those two reasons are amply sufficient to justify any special measures we may take in this province in regard to land legislation. The Hon'ble Mr. SHADI LAL, notwithstanding the Hon'ble Mr. FENTON's remarks, has said that he does not find any argument put forward on behalf of the change made in the Bill as amended, providing for Collectors being substituted for the Civil Court. I must confess that I thought the Hon'ble Mr. FENTON's remarks on mutation procedure were singularly to the point in that respect. If the Hon'ble Member will again refer to the provisions of the Bill dealing with

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

the procedure which takes place after the parties have appeared before the Collector, he will find that it is almost exactly the same as when the parties go before the mutation officer; and further, in section 9 'If the mortgagee raises objection on any ground other than the amount of the deposit, or if the petitioner is not willing to pay the sum demanded by the mortgagee, the Collector may either (a) for reasons to be recorded dismiss the petition, or (b) make a summary enquiry regarding the objection raised by the mortgagee or regarding the sum due.' Now if any of these very difficult points of law in regard to a particular case, which the Hon'ble Judges and the Hon'ble Member have raised, do occur, it is really almost inconceivable that the Collector will, with the possibility of the whole of the facts being gone into again in a regular Civil Court, worry out the case. This Act is intended to deal with the more simple classes of mortgage; indeed there are probably 99 of them to perhaps one of these difficult cases. As Settlement Officer of Gurdáspur, which has perhaps the largest amount of mutation work in the province, I had to deal with literally hundreds of thousands of these mutations. The number of petty disputes that are disposed of in these mutation cases and never come into court at all, is really very large, and I apprehend that if this Bill becomes law, the same thing will happen in regard to mortgages. There will probably be 99 out of a 100 mortgages in which the question which will really be about the amount of money or about some other petty matters which the Collector would be perfectly able to dispose of, and probably these cases would never come into Court at all. There will perhaps be one per cent. of difficult and intricate cases involving very lengthy enquiries and difficult points of law, in which the Collector will very probably and properly refuse to proceed with the enquiry, and refer the persons to a civil suit.

"It is stated, for the sake of argument, that the Collectors are desirous of gathering into their net, not only the revenue of the Government, but all other functions. I do not believe that that is the attitude of Collectors at all. If we have an officer who is desirous of amusing himself and wasting his time by going into these intricate questions, and if he gives a wrong decision, it is perfectly open to the party to go to the Civil Court and get his decision upset. And as regards the dreadful things that are anticipated as to the loss of prestige of the Collector on his order being upset by the Civil Court, I am afraid that these things would not in the least distress him. He passes orders in mutation cases which are very often upset and yet his prestige has not been very seriously affected, and I do not think it will be very seriously affected if, under this Act, his orders are upset by a Civil Court. Therefore I must confess that, personally, I am rather inclined to agree with the arguments which have been adduced why, in this summary procedure, the jurisdiction of the Collector is in some respects preferable to that of the Civil Court, without going in the slightest degree into the merits of the two forms of tribunal as to which would deal best with intricate questions."

The motion was put and rejected.

The Hon'ble Mr. FENTON :—"I have now, Sir, to move that the Bill be passed."

The Hon'ble Mr. SHADI LAL :—"Sir, the amendment which I considered the most important one, has been rejected and I am afraid I have no alternative but to oppose the Bill. I do not want to repeat what I already stated in my Note of Dissent, and in spite of the very pertinent observations which have been made by Your Honour, I am still of opinion that this is a matter which ought to be decided by Civil Courts and not by Revenue Officers. I therefore endorse every word stated by the learned Judges, and I am of opinion that this measure ought not to be passed. I know my view is not acceptable to the Member in charge of the Bill and a large number of the Members of this Council, but

[ *Mr. Muhammad Shafi.* ]

I feel that I have a duty to perform, however unpleasant that duty may be, and however infructuous my attempt may prove to be, and it is in discharge of that duty that I venture to place my remarks before the Council. One of the Hon'ble Judges, the Hon'ble Sir Arthur Reid, has gone so far as to describe this Bill not only as superfluous but as mischievous. Having regard to these remarks coming from such a high authority and to the remarks the other Judges have made, I am still inclined to think that we must give due weight to the opinion of the learned Judges and should not pass this Bill; therefore I oppose this motion."

The Hon'ble Mr. MUHAMMAD SHAFI :—"Your Honour, I have great pleasure in supporting the motion now before the Council. An examination of the opinions recorded by representative gentlemen of all classes, official and non-official, upon the Bill as originally framed and again upon its modified form on the lines adopted by the Committee which sat at Simla in September 1910, discloses a preponderance of opinion in favour of the necessity for the enactment of a law calculated to facilitate redemption of mortgages in this province. Those who have expressed opinions against the proposed enactment constitute a small minority. But in view of the weight which ordinarily attaches to the opinion of some of the high judicial authorities who have pronounced against the adoption of this measure, it is necessary to analyse the grounds upon which their opposition is based. Now, the main arguments advanced against the enactment of the proposed law are—(a) that it constitutes an unjustifiable encroachment upon the jurisdiction of the Civil Courts; (b) that in view of the complicated nature of the questions involved in redemption suits, the handing over of these disputes to Revenue Officers for summary decision is open to serious objection; and (c) that the proposed enactment will necessarily result in further injury to the money-lending classes who are already suffering considerable hardship in consequence of certain principles of the Punjab Customary Law as well as of recent legislation.

"Now, as regards the alleged encroachment on the jurisdiction of the Civil Courts, it must be obvious to all Hon'ble Members that if there were any reasonable fear of such an undesirable result being brought about, I would be the first Member of this Council to move the rejection of this Bill. But if what is meant by this objection is that, as a result of the enactment now before the Council, there will be a substantial decrease in the number of redemption suits which, under existing conditions, are instituted in and decided by the Civil Courts who will thus be deprived of the pleasure of adjudicating upon the interesting issues involved in such cases, I have no hesitation in admitting that this result will certainly be produced by the operation of the law which we are about to place upon the statute book of this province. These, however, are suits which, but for the tenacity with which the mortgagee sticks to the land in his possession, ought never to come before the Courts at all and, in consequence, their disappearance from the battle-field of the Civil Courts will not constitute an unbearable disaster either to the Courts themselves or to the population at large. Curtailment of unnecessary and frivolous litigation is an object which the Legislature should invariably have in view, and the substitution of a summary remedy for prolonged and ruinous litigation, absolutely uncalled for, can, in no sense, be regarded as an encroachment upon the jurisdiction of the Civil Courts. Cases of real *bona fide* contest between the parties to a mortgage transaction will still find their way into the ordinary courts of law and, in consequence, no one need be apprehensive that these tribunals will, by the enactment of this measure, be deprived of the legitimate exercise of their powers in deciding questions which arise in really contentious suits for redemption.

"Turning now to the second objection raised against the Bill, *i.e.*, that the complicated nature of the questions involved in these cases makes it undesirable to confer summary jurisdiction upon the Revenue Courts in respect

thereof, a careful examination of the position thus taken up by the opponents of the Bill will make its fallacious character abundantly clear. The questions involved in redemption suits may, generally speaking, be divided into two groups,—(a) those relating to the right and title of the person seeking redemption, and (b) those concerning the settlement of accounts between the parties to these proceedings.

"Now, in the first place, section 9 of the Bill empowers the Collector to refer the parties to their ordinary remedy at law in cases involving decision of really complicated questions. But what, after all, is the real nature of the so-called complicated questions which ordinarily present themselves for decision in disputes with which the proposed enactment is concerned? Suits for redemption between the original mortgagor and mortgagee seldom involve a determination of the plaintiff's right to redeem, for it is a well known rule of law that the mortgagee cannot deny the title of his mortgagor. It is only where the claimant for redemption is a person other than the original mortgagor that it, sometimes, becomes necessary to decide questions of this description. Generally speaking, these may involve adjudication upon the *locus standi* of the claimant or may raise a bar to redemption on the ground of limitation.

"As regards the claimant's *locus standi* to redeem what the opponents of the Bill really lose sight of is the fact that the Bill does not seek to confer upon the Revenue authorities summary jurisdiction which they are not already possessed of under the existing law. The plaintiff, in such cases, will almost invariably be found to be either one who claims to be the representative of the mortgagor on the ground of inheritance or who seeks to redeem as transferee of the equity of redemption. In either of these two cases, the claimant's right, whether as heir of or transferee from the original mortgagor, has already been summarily determined by the Revenue authorities under the provisions of the Land Revenue Act relating to mutations. Section 34 of Act XVII of 1887 makes it incumbent upon a person acquiring by inheritance, purchase, mortgage, gift or otherwise, any right in an estate as a landowner . . . . . or tenant having a right of occupancy to report his acquisition of the right to the *Patwari* of the estate. And after the proceedings specified in sub-section (3) of that section have been gone through, a Revenue Officer is, under sub-section (4), empowered to inquire into the correctness of the entries made and to pass such orders as he thinks fit. And under section 36 of that Act, the Revenue Officer is, in disputed cases where he is unable to satisfy himself as to which of the parties thereto is in possession, empowered to ascertain by summary inquiry who is the person best entitled to the property and to direct that that person be put in possession thereof. A careful study of these provisions makes it perfectly clear that, in this respect, the jurisdiction sought to be conferred upon the Revenue authorities by the present Bill is practically already vested in them under the Land Revenue Act and, at all events, is in no way wider in its nature than that which they, at present, enjoy under the existing Revenue law.

"And the plea of bar by limitation stands on no better footing. In the first place, to those who have practised at the Bar as long as I have done, it is a well-known fact that suits in which limitation is pleaded by the mortgagee as a bar to redemption are extremely rare. In the whole of the Punjab Record from the year 1866 to 1911, covering a period of 45 years, there are only 19 judgments in which the question of bar by limitation in redemption suits came before the Chief Court for decision, 14 out of these judgments dealing with the question of sufficiency of acknowledgment within the meaning of section 19 of the Indian Limitation Act. And experience shows that, with the lapse of time, the number of such cases has been growing less and less. Since the beginning of the year 1901 only 2 redemption cases have been published in the Punjab Record involving questions of limitation. The reasons for this



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state of things are obvious. With increased material prosperity in the country due to conditions brought into existence by the British rule, the growing knowledge of their rights by the agricultural classes and the rising value of agricultural land owing to extended irrigation, landowners will no longer permit their right of redemption to lapse by neglecting to redeem within the long period of 60 years allowed by statute.

"Moreover, there is another aspect of this question which ought to be borne in mind. Questions of limitation involved in these suits are not always so very complicated as not to be capable of being correctly decided in a summary proceeding. The determination of the original date of mortgage is, generally, a simple question of fact and, that having once been ascertained, the rest is, in the majority of cases, a simple matter of arithmetical calculation.

"For these reasons, it seems to me to be abundantly clear that the position taken up by the opponents of the Bill on the ground of the alleged complicated nature of the legal questions involved in redemption suits is absolutely untenable, particularly when the Bill does not seek to deprive the Collector and the parties of the benefit of legal advice and help.

"Your Honour, in the vast majority of redemption suits the principal point in issue between the parties will be found to be one of settlement of accounts. Now this, in the majority of contentious cases, is not so complicated as to be difficult of decision in a summary inquiry by the Collector, which term includes also an Assistant Collector of the 1st grade. On the contrary, it is the Revenue Officer who is in the best of positions to determine the question correctly. The reasons for this statement are not far to seek. In all usufructuary mortgages under the terms of which the mortgagee in possession does not receive the whole of the income in lieu of the entire amount of interest due upon the principal mortgage money, he is bound by law to keep a correct account of the income and expenditure, and it is his duty to take as much care of the mortgaged lands as a prudent owner would, if the lands were in his own possession. But experience shows that the so-called accounts kept by many a mortgagee, consist of a maximum of expenditure and a minimum of income so as to swell the balance in order to make redemption impossible or, at any rate, highly expensive. And, in these cases, Courts have to institute independent inquiries as to the income which the lands are capable of yielding. Who is in a better position to make a correct estimate of this than a Revenue Officer? Does not the Chief Court, even now, when remanding cases to original Courts for the determination of this matter often direct them to appoint an experienced Revenue Officer to make this inquiry on the spot? Obviously then, the Revenue Officer is the proper person to deal with this all important question, and the very fact that the Civil Courts often refer this matter to him for inquiry shows that while these matters may be too complicated for themselves, they are not so for the officers whom this Bill seeks to invest with summary jurisdiction. And the same process of reasoning applies, *mutatis mutandis*, to cases in which the mortgagee in possession claims, under the conditions embodied in the mortgage-deed, compensation for improvements alleged to have been made by him in the land during the period of his possession.

"The next contention advanced by the opponents of the Bill is, in my humble judgment, equally unsound. The apprehension entertained in certain quarters as to the injurious effects of this enactment upon the professional money-lender is, to my mind, the result of a nervousness for which there is, in reality, no ground whatsoever, and is based upon an assumption entirely unjustified by facts. The restrictions imposed by the Customary Law of this province and by the Punjab Alienation of Land Act have no relevancy whatsoever to the real issue involved in this part of the discussion. All that the

[ *Mr. Muhammad Shaft.* ]

mortgagee is entitled to is the recovery of his debt, secured upon the land in his possession, and upon the payment thereof he is legally bound to restore the land to the mortgagor. So long as he obtains his pound of flesh it is immaterial to him whether the agency which uses the knife is a Civil or a Revenue Court. And if, as a result of the summary inquiry by the Collector, he fails to get what is really due to him, the doors of the Civil Court will still be open to him to question the validity of the order passed by the Revenue authorities.

" But what I desire, in particular, to impress upon the Council in this connection is the entirely one-sided nature of this untenable position. The advocates of this view lose sight of the injuries which the unfortunate mortgagors have to suffer under the existing conditions. After the exercise of strict economy extending over a number of years or by borrowing money upon somewhat easier terms the mortgagor manages to collect funds sufficient to redeem his lands. The conditions embodied in the mortgage-deed allow redemption only in the month of *Jeth*. By resort to various subterfuges, of which he is a past master, the astute money-lender avoids the final settlement of accounts during that month. His books happen to be in Court in connection with a pending litigation; he himself is away at the head-quarters of the District attending to a case or has gone on a pilgrimage to Hardwar! And if the mortgagor issues a registered notice, the postal peon returns it with the usual report that the addressee is away from home! The mortgagor is thus compelled to institute a suit for redemption. He must pay full court-fee on the principal mortgage-money; the suit takes its weary course through a number of courts, original and appellate, and several years must elapse before the unfortunate zamindar obtains his decree for redemption. Then comes what has often been truly characterized as the beginning of the litigant's real trouble, *i.e.*, the execution of decree. And very often the decree thus obtained is of no use to the poor agriculturist. For, the money scraped together by the mortgagor has been spent in this protracted litigation, and the decree being conditional on payment of the sum found due by the Court, he is not in a position to execute it. The result is a second suit for redemption after the lapse of a further term of years. Meanwhile, the mortgagee continues in possession and is thus successful in defeating the ends of justice by keeping the mortgagor out of his estate. All this will, in the majority of cases, become impossible if the proposed enactment receives legislative sanction, and this is the real reason of the opposition to the Bill by those of our Indian friends who have the interests of the money-lender at heart.

" That the enactment of the proposed law will curtail Civil litigation does not admit of any doubt. The exercise, by the Collector, of the summary jurisdiction vested in him under the provisions of this law will, *ipso facto*, shut out all frivolous litigation of the type I have just described from the Civil Courts of this province, and from this point of view the proposed enactment will prove of the highest benefit in reducing agricultural indebtedness. The majority of the agriculturists in this province are small farmers, and it is they who need most the relief which this Bill is intended to afford. The larger landowner will, in no way, be affected by its provisions, and his dealings with the money-lender will continue as before. It is the smaller agriculturist of this province who forms the backbone of the country. This enactment, while involving no real hardship to anybody, will release him from a tyranny under which he has been groaning ever since the intricacies of our legal system have enabled certain classes to hold him tight in their clutches and will bless the first Council under the Reform Scheme for having afforded him a much-needed relief.

" Your Honour, I have considered it necessary to meet, at some length, the criticism advanced against this measure for the reason that I feel a certain amount of personal responsibility in connection with this Bill. When some three

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

years ago the Bill as originally drafted was circulated for opinion, I ventured to point out that to enable the mortgagor to have the mortgagee summoned before the Collector and to obtain redemption only if the two were agreed as to the sum under the conditions of the mortgage deed, would not only fail to achieve the end in view, but would create unnecessary trouble and worry for both parties. And when that Bill was placed before a committee which met at Simla in September 1911, I pointed out that the existing Civil and Revenue Law of the land afforded precedents which ought to be adopted in the present instance if it was intended really to provide a speedy and an inexpensive remedy for redemption of lands held in mortgage. I instanced the cases of objections to attachment of property in execution of decree under the Code of Civil Procedure and of contested mutations under the Land Revenue Act, and proposed that the adoption of a summary inquiry of the kind with similar consequences was the proper remedy to be adopted in the case. All the members of that Committee, with the single exception of my friend the Hon'ble Mr. SHADI LAL, accepted my suggestion and the Bill was drafted accordingly. The adoption of the present measure, therefore, is a source of peculiar gratification to me, and I rejoice to have had a hand in the enactment of a law which, I am convinced, will be of the utmost benefit to the majority of the population of this province."

His Honour the PRESIDENT :—" There is only one slight remark I might make before I put this motion to the Council, and that is from some of the remarks that fell from the Hon'ble Mr. HARI CHAND, it seems he is under the impression that this is class legislation,—a charge which has also been made against the Bill elsewhere. I would only point out that the Bill refers to all agricultural land, and that it has been frequently impressed upon us that there are money-lenders among the agriculturists as well as among the non-agriculturists. Consequently it can hardly be said to be class legislation."

The motion was put and agreed to.

#### THE PUNJAB PRE-EMPTION BILL.

The Hon'ble Mr. TOLLINTON in presenting the report of the Select Committee on the Bill to amend the law relating to pre-emption in the Punjab said :—" Your Honour, I beg to present the report of the Select Committee on the Bill to amend the law relating to pre-emption in the Punjab.

" With the exception of the two points noted in the Minutes of Dissent at the foot of the printed report, and on which I reserve my remarks, I have little to add to what is said in the Select Committee's report.

" The Bill is essentially one to remove anomalies that have been found to exist in practice in the present Act. It introduces no new principle and the only contentious matters in connection with the measure relate to the application of the principle to certain kinds of land or certain kinds of sales.

" I also move that the Bill be taken into consideration."

The motion was put and agreed to.

Before the Hon'ble Mr. MUHAMMAD SHAFI moved the amendment that stood in his name, the Hon'ble Mr. SHADI LAL said :—" I object to that amendment being considered because due notice was not given. The Select Committee considered and rejected this proposal of my Hon'ble friend, and if he wanted to move an amendment, he ought to have given due notice. This is the first time I have come to know that there was an amendment of that kind. I therefore strongly object to this amendment being taken into consideration. If I had known of it, I would have quoted chapter and verse against it, but I am not at all prepared to state my authority. At least three days' notice is required and that has not been given."

[ *The President ; Mr. Shadi Lal ; Mr. Muhammad Shafi ; Mr. Tollinton.* ]

His Honour the PRESIDENT :—"The rule says two."

The Hon'ble Mr. SHADI LAL :—"May I point out that this matter was duly discussed by the Select Committee. My learned friend proposed it before the Select Committee ; it was considered, and the majority of the Select Committee rejected his proposal. If he wanted to move an amendment, he was perfectly within his rights to give us due notice. Surely it is, if I may say so, unfair to us that we should be asked to discuss a matter for which we are not at all prepared."

The Hon'ble Mr. MUHAMMAD SHAFI :—"May I state, Your Honour, that it was on account of a misapprehension on my part that the amendment was sent in on Thursday instead of Wednesday. I thought that, if it was sent on Thursday morning, it would be within the three days' rule ; otherwise I could easily have sent it on Wednesday. There would have been no difficulty about it, and that is the reason why it was not sent in three clear days before the meeting. I thought, if sent in on Thursday, it would be within the three days."

The Hon'ble Mr. TOLLINTON :—"I may say that, though we have discussed the proposed amendment in Select Committee, I do not think it was very thoroughly discussed there and I, as Member in charge of the Bill, am not averse to its being discussed here. I do not think Mr. SHADI LAL will find any difficulty in opposing the amendment. I, as Member in charge, have no objection to the motion being moved."

His Honour the PRESIDENT :—"There is no doubt that the action taken by the Hon'ble the Mover of this amendment is not altogether convenient, and I do not know what particular reason he had for cutting the time for it so fine. It certainly is more convenient that the Council should have time to consider amendments—even more than the three full days provided as the minimum period in the rules—but as this is the last meeting of the present Council, and as we are ready and willing to admit for consideration of the Council any important matter such as this which the Hon'ble Mr. MUHAMMAD SHAFI desires to bring before it, in the present case, and especially in view of the remarks of the Mover of the Bill, I am prepared to allow the amendment to be put. But I hope that in future there will be a strict compliance with the spirit of the rule, as well as with the letter."

The Hon'ble Mr. MUHAMMAD SHAFI :—"I thank Your Honour and move that in clause 9 the words 'or in respect of any sale sanctioned by the Deputy Commissioner under section 3 (2) of the Punjab Alienation of Land Act, 1900,' be omitted."

"The Hon'ble Members are already aware of the fact that this part of section 9 did not find a place in the old Pre-emption Act, but has been introduced in the present Bill. The effect of this provision is that all sales by members of agricultural tribes to members of non-agricultural classes when they have been sanctioned by the Deputy Commissioner will hold good and the right of the pre-emptor, whether he is one of the co-sharers of the property or a member of the family to which the vendor belongs, will be extinguished thereby. This result, I submit, is in the highest degree undesirable. By the Punjab Alienation of Land Act a member of an agricultural tribe could only sell land to another member of the agricultural tribe. The sales otherwise made are subject to the right of pre-emption, but the sale which is sanctioned by the Collector is by virtue of this provision not subject to the right of pre-emption. As this result is undesirable I submit that the pre-emptor should have his right to pre-empt the property. It may be that a

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member of a non-agricultural tribe may apply for sanction and obtain it from the Collector. Now the pre-emptor who may not have sufficient money in his pocket at that time would therefore lose his right to purchase it. Why should he be deprived of his legal right to purchase the land within a year or a few months afterwards when he is in a position to buy it. Therefore this provision is opposed to the ends for which the Punjab Alienation of Land Act was passed, that is to say in order to stop the passing of lands from the hands of agricultural classes into the hands of non-agricultural communities. By the enactment of the provision that the sanction by the Collector will be a bar to the exercise of the right of pre-emption by a member of the agricultural tribe or a member of the same group to which the vendor belongs, you are defeating the very ends and the very purposes for which the Punjab Alienation of Land Act was passed. By the instructions issued by the Financial Commissioner it is necessary to make enquiries in the case of sales by agriculturists as to whether the pre-emptor is willing to purchase the land or not. But as I have already said in the first place the pre-emptor may at that particular moment not have sufficient funds to purchase that land, and in the second place it may be that the Collector is not in a position to make enquiries required under these instructions personally. As is generally experienced these matters are sent to the Tahsildar or the Revenue Assistant or a member of the village community to enquire as to whether any possible pre-emptor is willing to purchase the land. And it is not inconceivable that the Tahsildar or the Revenue Officer may send up a report that no one is willing to purchase the land without sufficient enquiry. It is just possible in such a case that those who have a right of pre-emption may not have been clearly informed of the intended transaction. It seems to me, however, that in introducing this clause into the present Bill you are defeating the objects of the Punjab Alienation of Land Act and at the same time depriving those who have a best legal right. I therefore move that the words in question may be omitted."

The Hon'ble Mr. SHADI LAL :—"I am afraid, Sir, the argument of my Hon'ble friend is based upon the assumption that, if a person is deprived of the right of pre-emption, a great hardship is inflicted on him. I entirely differ from that assumption.

"My own idea is and I have it on a high legal authority that pre-emption is an evil. All the learned Judges of the Chief Court with the exception of one have said so. They are in favour of the total abolition of pre-emption. They have pointed out that a great deal of unnecessary litigation is due to pre-emption. Only a short time ago when discussing the provisions of the Redemption of Mortgages Bill my Hon'ble friend insisted on doing away with unnecessary litigation. I should in view of those remarks like him to withdraw this motion. I may further submit that the learned Judges of the Chief Court were of opinion that an enormous amount of time of the courts is wasted in these cases which are not brought forward out of honest motives, and that the pre-emption should therefore be abolished altogether. In view of these facts is it desirable that there should be a right of pre-emption in respect of sales which have been sanctioned by the Collector. Before the Select Committee I pointed out that there is a circular of the Financial Commissioner which lays down that the Deputy Commissioners will not grant sanction unless they have first of all found that no member of an agricultural tribe is willing to purchase the land. The Deputy Commissioners are required to make long and exhaustive enquiry before they sanction a sale in favour of a person who is not a member of an agricultural tribe. The Financial Commissioner

in considering the opinions of the Deputy Commissioners on the present clause wrote a long note which was considered by the Select Committee. He came to the conclusion that the proceedings of the Deputy Commissioner are always open to revision by the Commissioner or the Financial Commissioner and sanction can always be rescinded if it is found that injustice has been done or that the provisions of the law have not been observed, and that further to allow pre-emption in the case of such sales is to nullify the whole proceedings before the Deputy Commissioner under the Land Alienation Act, and he was of opinion that this clause should be left as it was. All these matters were considered by the Hon'ble Messrs. FENTON and TOLLINTON, and the other Members of the Select Committee, and the majority of them were in favour of retaining the words in question. I do not think sufficient arguments have been advanced for making a change in this direction. I therefore oppose the motion."

The Hon'ble Mr. TOLLINTON:—"I am opposed to this amendment. I admit that there is a specious attraction in the point of view that we are extinguishing a right, which, if the Deputy Commissioner's sanction had not been artificially rendered necessary to certain sales under the Land Alienation Act, would continue to exist. But the instructions laid down in paragraph 37 of the Land Administration Manual are quite clear that the Deputy Commissioner should not give sanction to a permanent alienation under section 3 (2) of the Land Alienation Act unless he is satisfied that no member of an agricultural tribe included in the same group as the vendor has offered or is ready to offer a fair price for the land. This surely sufficiently protects the rights of possible pre-emptors as clause 14 of the present Bill confines the right of pre-emption in the case of agricultural land to members of an agricultural tribe in the same group as the vendor, and the instructions provide that the Deputy Commissioner shall in giving sanction take into consideration all claims on behalf of such persons. We must also look to the interests of commercial enterprise. Permission to alienate under section 3 (2) of the Land Alienation Act is most ordinarily given in the case of sites and in the case of land close to towns. It is not desirable that pre-emption should be unduly encouraged to defeat such sales, and I am of opinion that the instructions given in the Land Administration Manual sufficiently protect intending pre-emptors."

The Hon'ble Mr. MUHAMMAD SHAFI:—"With Your Honour's permission, I should like to say just a few words. I propose to notice only two remarks made by my Hon'ble friend Mr. SHADI LAL. He said that, pre-emption being an evil, it would not be a hardship if the pre-emptor were deprived of his right. That pre-emption is an evil I am not prepared to concede. On the contrary ; I appeal to the opinions expressed by almost all members even of non-agricultural tribes, who were consulted, and who were almost unanimous in saying that the law of pre-emption must be retained, particularly in towns. This body of non-agricultural opinion I appeal to in opposition to what the Hon'ble Mr. SHADI LAL has just stated. Then my Hon'ble friend stated that, as pre-emption led to unnecessary litigation, I should, upon the same principles which I ventured to enunciate in my speech on the Redemption of Mortgages Bill, withdraw my present amendment. I do not see how the principle which I enunciated in that speech has anything to do with the present matter. What I deprecate, and what I am sure all Hon'ble Members of this Council would deprecate, is unnecessary and unjustifiable litigation, and not litigation to enforce a right which is vested in one by the law of the land. A suit instituted in order to enforce such a right can never be said to be an unnecessary suit or a frivolous suit, and if I am right in saying so, the Punjab Customary Law as well as the statutory law relating to pre-emption have in vested the members of the agricultural communities and relations and so on with certain rights which this proviso now seeks

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

to take away, then I venture to submit I am right in saying that this is not a proposal calculated to encourage unnecessary litigation. On the contrary, it is a proposal calculated to protect vested rights."

His Honour the PRESIDENT:—"The remarks of the Hon'ble the Mover of the amendment at any rate make it clear that there is a very strong opinion held by some members of this Council that the Law of Pre-emption as it exists stands in need of amendment only and not of repeal. I think that has also been made abundantly clear during the discussion of the amendment of this Bill, since no Hon'ble Member of this Council has been bold enough to recommend, as has been suggested by the Press, that the Law of Pre-emption in this province should be abolished. That is the actual view of the Local Government in this province. We regret that pre-emption exists. But it is a dearly prized right, and experience of the past has shown us that the idea even that rights affecting agricultural land were to be infringed is liable to give rise to almost serious agitation and even discontent, though there may not have been any sound foundation to the idea. Our feeling is that if we had attempted to abolish the Law of Pre-emption, there would undoubtedly have been a very serious agitation against such abolition, more particularly in fact in towns as well as regards agricultural land. That is the reason why we have decided rather to adopt the humbler measure of amending the Law of Pre-emption than to attempt to end our ills by abolishing it. It has its advantages; it has its disadvantages; at any rate, at present its abolition is not proposed. Our legislation is not for an ideal state of things but for the actual conditions of the country with which we have to deal.

"Now the view I take of the particular amendment is, are the rights of the benefited pre-emptor sufficiently safeguarded by the Bill as it stands? The Hon'ble Mr. MUHAMMAD SHAFI thinks there might possibly be injury caused to some pre-emptor who had not the money available at the time, and it is very wrong to deprive him of a right which he otherwise would be able to exercise. There is no doubt of it that there is a great deal of force in that remark. At the same time the Hon'ble Member—and we must all I think agree with him—is strongly averse to resorting to unnecessary litigation. We cannot legislate against injury to every individual person. Hon'ble Members have got to see whether they think that the enquiries made by the Collector before he gives sanction are sufficient safeguard for the rights of pre-emptors, or whether it is necessary, in order to secure those rights, that we should remove these clauses."

The amendment was put and lost.

The Hon'ble Mr. SHADI LAL moved that at the end of clause 9 the words "or in respect of any sale of agricultural land within the limits of a town" be added. He said:—"Clause 9 deals with cases in which there shall be no right of pre-emption. By means of my amendment, I propose to add one more case to the list of exemptions from pre-emption. I move that the agricultural land within the limits of towns should not be subject to the right of pre-emption. There is some land within the municipal limits of towns which, though technically agricultural land, is not used for agricultural purposes. This land is sought after for constructing buildings for industrial, commercial, educational and residential purposes. In the interests of the growth of towns, the growth of industries and commerce, it is most essential that there should be no restriction on the transfer of such land. Having regard to these facts, the Government has been pleased to notify that the Alienation of Land Act shall not apply to agricultural land within the boundaries of a municipal committee. That being the case, it follows *a fortiori* that the vendee of such property should not be hampered by pre-emption suits.

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"All the learned Judges of the Chief Court, with the exception of one, are of opinion that pre-emption is an evil, and should be abolished altogether. The Local Government considers that it is a necessary evil, and the time is not yet for its entire abolition. I submit the evil should be strictly confined to those properties for which its necessity is established. Now what is the necessity for pre-emption as to these isolated plots of land in a town? The law of pre-emption in villages is defended on the ground that it is required to preserve the village communities. As regards houses in a town it is said that we require it to exclude undesirable neighbours and to preserve the *parda* system. Does any of these arguments apply to the agricultural land, say, in the Civil Station of Lahore?

"The experience of the working of the present Act has shown that great hardship has resulted from the exercise of this right of pre-emption. I have been told by several European gentlemen of commercial community that pre-emption in the Civil Station of Lahore is a great nuisance. It has led to a large number of speculative suits. In Lahore, whenever there is a sale, a pre-emption suit is filed by a person who is a man of no substance, but has been instigated to do so by a speculator. I know of one case, where the vendee had to pay Rs. 15,000 to induce the pre-emptors to drop their pre-emption suit. Men in charge of educational institutions have found difficulties in purchasing land for college buildings or recreation grounds. A few years ago I, as a member of the University Inspection Committee, went to Sialkot to inspect the Mission College there. We wanted that the college classes should be in a separate building from the School classes, and the Principal agreed to it. He purchased a plot of land, but could not build at once on account of the law of pre-emption and the fear of the pre-emption suits. Take another instance: A person whose house had been submerged by the Indus migrated from Dera Ghazi Khan to Multan and purchased 1 kanal of land to build a house thereon. He constructed a building for his residence. A pre-emptor filed a suit for pre-emption and took away from the unfortunate vendee the land as well as the house. This is a typical case. Several cases of this type take place every day. I request you to consider whether this is a desirable state of affairs. If you want the people to come out of crowded places and build sanitary houses, if you want industrial development of the province, if you want the colleges to have hostels and play-grounds, you must remove the unnecessary restrictions. You, Sir, have been a great patron of industries, you have done a great deal to improve the sanitary condition of our towns, you have seen the development of hostel system. I appeal to you, in the name of the progress of this province, to remove this difficulty out of the way of free transfer of property. One more fact I should like to mention. The Select Committee discussed this matter, and the opinion was equally divided, three were in favour of pre-emption and three against pre-emption. I am glad to state that the Hon'ble Mr. Fenton was strongly of opinion that land in towns should not be subject to pre-emption. The Hon'ble Mr. Tollinton was of a different opinion, and his point was carried by his casting or second vote. I submit that I have made out a case in favour of my motion."

The Hon'ble MR. FENTON :—"I should like to explain my reason for having supported the Hon'ble Mr. SHADI LAL's proposal in the Select Committee and for now voting against it, as I propose to vote against it. I am afraid when I did support the motion in the Select Committee, I had not adequately studied all the other provisions of the Act. I am in full sympathy with the object which Mr. SHADI LAL has in view, namely to promote the transfer of land situated in the vicinity of towns in the interests of commerce and trade; but I think that object can be more usefully and successfully achieved by the action of the Local Government under section 8 (2) of the Bill, which empowers the Local Government 'to declare by notification, &c., (reads section),'



[ Mr. Fenton ; Mr. Hari Chand ; Mr. Tollinton ; Mr. Muhammad Shafi. ]

"The Local Government has in that manner arranged that the provisions of the Land Alienation Act shall not operate to hamper the transfer of property for commercial purposes, and I do not see why, in a similar manner, the operation of the pre-emption custom cannot be limited by a notification. There is also this to be said, that if these words were added to the clause and pre-emption were barred in the case of towns, there would often be litigation as to what was meant by a town, whereas in a notification of the Local Government a list of the particular municipalities in which, in the interests of trade and commerce, it is desirable that pre-emption shall not exist, can be published for the information of all concerned. Therefore, while entirely in sympathy with the objects Mr. SHADI LAL has in view, I think it would be better to achieve them by a notification under the Act."

The Hon'ble Mr. HARI CHAND :—"In support of the Hon'ble Mr. SHADI LAL I would say, Your Honour, that we are put to great difficulties. We cannot get a plot of land to build houses, and, as the Hon'ble Mr. FENTON says, Your Honour will take this into consideration when framing notifications under the Act. I will quote one case. At Multan a friend of mine bought a bungalow outside the city, and the result was this, he had to pay the pre-emptor to give up pre-emption of the land and then he was allowed to retain the house. And so all these difficulties arise. We cannot get the bungalows outside the city, and it is a great inconvenience to us all. For this reason I think my friend has put this amendment, and, as the Hon'ble Mr. FENTON says, that is one of the objects which will be achieved, and I have brought these difficulties to Your Honour's notice."

The Hon'ble Mr. TOLLINTON :—"I am opposed to this amendment. It is true that the main provisions of the Land Alienation Act are not applicable to land within municipal limits, but I consider that to take away the right of pre-emption in the case of all agricultural land within municipal limits would be felt as an interference with a long established right, and it must be remembered that municipal limits often include large areas of highly cultivated agricultural land, used solely for purposes of agriculture. Also I do not consider that the exemption of all such land from pre-emptive rights is in any way necessary. Protection to sales for commercial purposes is already sufficiently given by the power vested in the Local Government under clause 8 (2) of the Bill which runs—

'The Local Government may declare by notification that in any local area or with respect to any land or property or class of land or property or with respect to any sale or class of sales no right of pre-emption or only such limited right as the Local Government may specify shall exist.'

"It is also given in another way by the last sentence of clause 9 which abolishes pre-emption in the case of all sales sanctioned by the Deputy Commissioner under section 3 (2) of the Land Alienation Act. I think the amendment is designed to take away an existing right that in many cases is highly valued. It is also unnecessary, and as such I oppose it."

The Hon'ble Mr. MUHAMMAD SHAFI :—"Your Honour, I regret I am unable to agree to this amendment. My Hon'ble and learned friend does not propose to abolish pre-emption in towns generally, but has brought forward an amendment to the existing law which will result in this anomaly that while residential houses in towns will, as hitherto, be subject to the rules of pre-emption, agricultural lands within the boundaries of those towns and surrounding the *abadi* will no longer be governed by the existing law. And this anomaly will not stop here. A piece of agricultural land belonging to an agriculturist is sold in the vicinity of the *abadi* of a town which is not divided into definite sub-divisions and in which the custom of pre-emption prevails. Residential

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

houses are built upon it and become absorbed into that *abadi*. The custom of pre-emption prevailing in the town generally will, *ipso facto*, apply to this natural extension of the town *abadi*. Acceptance of the amendment proposed would thus result in this curious double anomaly, that while pre-emption obtains as regards residential houses generally in a town, it will, at the same time, be non-existent in the case of agricultural land, but when the land has been sold by its agricultural owner to another person, who will, in the majority of cases, be a non-agriculturist, a few months afterwards it will become subject to the rules of pre-emption as soon as houses have been built thereon. The results of this amendment are so obviously irrational that they have simply to be stated in order to make its hollowness absolutely clear.

"Again the majority of so-called towns in this agricultural province are only fair-sized villages, which are neither manufacturing nor industrial centres. I have not been able to consult the figures of the recent census. But according to the Imperial Gazetteer there were in 1901 only three cities in the Punjab with a population exceeding 100,000, while there were 53 towns with more than 10,000 and 99 with more than 5,000 souls. Recently the Government has conferred upon municipalities in towns with a population of 15,000 or above the right of electing representatives to the Provincial Legislative Council, and the total number of these municipalities in the three electoral groups is only 30. It is, therefore, clear that the adoption of the amendment, while serving no useful purpose whatsoever, will abolish a much valued right in a large number of what really are fair-sized villages to the injury of our agricultural population.

"Moreover, in the larger municipal towns a number of agricultural villages, in some cases as many as half a dozen, have been included for purposes of municipal administration. My learned friend's amendment will reduce these agricultural communities to the level not even of the population of the town itself in cases where the custom of pre-emption exists in the town *abadi*, but to a position infinitely worse. They will have lost the rights at present vested in them by law, and will not have gained those which even their non-agricultural countrymen possess within the town *abadi*.

"All this confusion likely to result from this amendment is absolutely unnecessary in view of the powers vested in the Local Government under section 8, sub-section (2), of the Act. Wherever the necessities of the situation so require, the Local Government can exempt a particular town from the application of the Act, and upon the issue of such a notification the object which my friend has in view will be realized. In these cases it is always best to deal with each case upon its own merits than to drive a coach-and-four through the existing law to the injury of a large class whose rights should be carefully protected and safeguarded by the legislature.

"For these reasons I am strongly opposed to this amendment."

The Hon'ble Mr. SHADI LAL :—"I would like to make one or two remarks in connection with the alleged anomaly which has been pointed out by the Hon'ble Mr. MUHAMMAD SHAFI. Let me point out that there is no anomaly at all. The right of pre-emption applies to those houses where the Indians live with their families; it certainly does not apply to the bungalows in the Civil Station, and no new custom of pre-emption can be proved under the law as it exists now. There is a great deal of force in what the Hon'ble Mr. FENTON has said, and if a general notification to that effect could be issued by the Local Government, I should be the last person to press my amendment; but the difficulty is that it is not an easy task to move a large number of officers in order to induce them to recommend that

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

a notification under section 9 should issue. I understand that a large number of commercial people, including Mr. Muir Masson of the Punjab Banking Co., applied a few years ago for the issue of a notification under a similar section of the Punjab Pre-emption Act. I am afraid their application was not successful ; and that was the reason why I propose that there should be a provision of the Bill exempting building lands from pre-emption. The notification of the Alienation of Land Act is a general one exempting all land within the limits of a town. If a general notification or a partial notification applying to land in towns could be issued, the object I have in view would be met."

His Honour the PRESIDENT :—"I have no doubt that the Local Government would always be prepared to exempt any particular plot of land which was required for any specific or commercial purposes ; and also that if a municipality or local authority were to come up to the Local Government of the Punjab, and suggest that, for reasonable extension of the town, it was desirable to include within the town for building purposes a certain area of agricultural land free of special rights of pre-emption attaching to agricultural land, the Local Government would comply with the request.

"I daresay Hon'ble Members have seen in the local papers a very important budget of correspondence published, I think by the Government of India, for general information, as regards the special measures to be taken in future for town planning and the laying out of towns on more satisfactory lines than at present. If these measures are carried into effect, and no doubt they will be eventually carried into effect, the special object of the Hon'ble Member undoubtedly will be achieved by the special regulations which would have to be issued. But at the same time, as the Act now stands, I do think the hardship which has been experienced in the past was a very great hardship. It was one of the great reasons why we felt rather inclined to wish that there was no such thing as pre-emption, so that persons who wish really to buy land for commercial, educational or even residential purposes will not have any serious difficulty.

"I cannot agree myself to accept the amendment altogether as it stands because sometimes the area is very, very large indeed. Take Lahore, within the limits of the municipality there are a great number of purely agricultural villages included. If we apply a general notification to the whole of the municipal limits of Lahore, we should undoubtedly be causing a most serious discontent amongst those purely agricultural villages. But there is no reason why, if it is found that, in any particular area in Lahore, people are anxious to build houses and it has ceased to be agricultural land, and has become urban, the municipality should not come up freely to the Local Government and say that, after fully considering the actual facts of the case, and studying the limits which they wish to apply to the area built upon, they wish the Local Government to declare that within that particular area, pre-emption should not exist. If that were done—I am now speaking for myself—I am quite sure the Local Government would give it the most patient consideration."

The Hon'ble Mr. SHADI LAL : "In view of the remarks very kindly made by Your Honour I beg to withdraw my motion."

The Hon'ble Mr. TOLLINTON moved that the Bill as amended by the Select Committee be passed. He said :—

"I have nothing further left to say ; everything that was contentious in the measure has been threshed out. With the consideration and rejection of these two amendments, the recommendations of the Select Committee have been endorsed. The Bill is merely, as I have said before, a measure to do away with anomalies that have been found in the existing law with regard to pre-emption. I move that the Bill, as amended, be passed."

[ *Mr. Muhammad Shafi.* ]

The Hon'ble Mr. MUHAMMAD SHAFI:—"Your Honour,—In rising to support the motion now before the Council, I desire to offer my humble congratulations to Your Honour's Government for its wise decision in refusing to accept the proposal to abolish the Law of Pre-emption in this province. Apart from the undoubted fact that such a drastic measure would cause deep dissatisfaction among the vast majority of the people, more particularly among that portion of our population for whose welfare the Government has always shown such commendable solicitude, and putting aside the incontrovertible position that the legislature should, as a rule, not interfere with the ancient customs of the people designed to meet the special requirements of their social life, an unprejudiced examination of the arguments advanced in support of this extraordinary proposal makes its unsoundness perfectly clear. The two main reasons advanced in support of this suggestion are that the passing of the Punjab Alienation of Land Act has rendered the continued existence of pre-emption quite unnecessary, and that it constitutes an unjustifiable interference with that sacred doctrine which bears the name of freedom of contract.

"Now, the Punjab Alienation of Land Act was placed on the Legislative Council with the object of stopping the passing out of land from the hands of agricultural communities of this province into those of members of non-agricultural classes. The process of expropriation of the stalwart agricultural races of the Punjab, which had been steadily going on ever since the theory of freedom of contract was brought into actual practice after the annexation of this province, constituted a grave political danger for the effectual removal of which that legislation was undertaken. That the Act has fully accomplished its object admits of no doubt. But the continued existence of the customary rules of pre-emption is as essential to the well-being of our rural population now as it was before the passing of the Alienation of Land Act. It is not only the body of agricultural tribes as a whole, but also the various tribes individually, the village communities and the agricultural families which need equal protection. The expropriation of the minor agricultural families, the breaking up of the compact village communities and the swallowing up of the minor or weaker by the more powerful agricultural tribes is in the highest degree detrimental to the best interests of the country and the State, and would constitute as grave a political danger as that for the safeguarding of which the Alienation of Land Act was passed. The provisions of that Act are absolutely powerless to prevent such a catastrophe: it is the continued existence of the Law of Pre-emption alone which constitutes a real safeguard against it. The inevitable result of the abolition of pre-emption in rural areas will be that the bigger fish will swallow up the smaller ones, and that class of sturdy Punjab agriculturists who now are the pride of the Indian army, *i.e.*, the small farmers, will either be reduced to the status of tenants eking out their livelihood under rack-renting landlords or will be driven from their ancestral homes either to roam about the country to the injury of the law-abiding portion of our population or to drift towards the towns for the purpose of finding employment under conditions calculated to destroy their fine physique. It is the preventive as well as remedial effects of pre-emption which constitute an effective shield against the disintegration of agricultural families and village communities, and the policy which seeks to deprive our agricultural communities of this protection is, to my mind, an extremely short-sighted one.

"Your Honour, the tendency of modern land-legislation even in advanced European countries is in the direction of creation of small holdings. Whether it be the quixotic scheme of State nationalization of land and the creation of State-tenants started by a Lloyd George or the creation of small proprietary holdings advocated by a Bonar Law, both aim alike at the extinction of centralization of land in the hands of the few to the detriment of the many, which

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

is the inevitable result of an unrestrained application of the doctrine of freedom of contract. The wisdom of the ancient law-givers in the East foresaw that evil, and the evolution of the custom of pre-emption was one of the results of that foresight. It seems to me that those who advocate its abolition in the rural Punjab do not realize the ultimate consequences of this proposal not only upon the agricultural population, but also upon the welfare of the province as a whole. With all respect to the advocates of this policy, it is, in my humble judgment, opposed to real statesmanship to be led away by a doctrine, however attractive in theory, which is losing its hold even in the West, and to seek to give it full effect in the East, the social conditions of which need the continued existence of customary rules suited to the life of the people.

"I have said that the shibboleth of the freedom of contract is losing its hold even in the West. A close study of what has been and is now happening in that freest of free countries, which is the centre of our glorious British Empire, is sufficient to establish the correctness of this statement. Does Trade Unionism represent freedom of contract? Is Mr. Lloyd George's National Insurance Act, with its compulsory clauses, based upon contractual freedom? Is a Miner's Eight Hours' Bill proof of freedom of contract between the employer and the employé? Are the present radical campaigns of Land Reform and the corresponding Unionist scheme already foreshadowed based upon this sacred doctrine? And if western countries can, in these and other respects, no longer boast of faithful adherence to a theory which has been found wanting when weighed in the balance of practical experience, why should it lead our legislators to abolish ancient customary rules prevailing in Indian society which are suited to the particular needs and requirements of our people, particularly in the present stage of their advancement?"

"Your Honour, for these and other reasons, which it is unnecessary to discuss, I congratulate the Government upon their wise decision to refrain from abolishing ancient customary rules of pre-emption by legislative mandate, and have great pleasure in supporting the motion for the passing of this Bill."

The motion was put and agreed to.

The Hon'ble Mr. SHADI LAL:—"As this is the last meeting of the present Council over which Your Honour will preside, and as many of us will be moribund in a few days, I should like to make, with Your Honour's permission, a few remarks on the work of the Council during the three years of its existence. I am sure I am voicing the feelings of all the non-official members of this Council when I say that we are grateful to Your Honour for the invariable courtesy and kindness which you have shown to us and the fairness and impartiality which you have observed in presiding over the deliberations of this assembly.

"Your Honour has had a most unique experience such as falls to the lot of few who are called upon to fill the exalted office of the Lieutenant-Governor of a province. As Chief Secretary Your Honour assisted in the creation of the Legislative Council in 1897. It fell to your lot to pilot the first legislative measure ever introduced in the Local Legislative Council. You have had excellent opportunities of judging the usefulness of the then Council and the ability of the limited number of non-officials who were selected by the Government. Subsequently when the time came to reform the Council you supported the scheme even in opposition to the opinions of some of the well-known officials of the Province. You have watched the working of the Reformed Council during its first term, and will have a further opportunity of judging its work with the elected element reinforced. Few can claim such intimate knowledge and experience of the growth of the Council from what it was fifteen years ago to what it would be on the reassembling of the Council

early next year under new conditions. The growth can by no means be considered slow. Indeed the privilege of the Budget discussion and the right of interpellation and of moving resolutions are new to us. It may rightly be claimed on behalf of this Council that none of these privileges and rights have been abused, and that the Government has had no reason to regret the step it took in reposing confidence in the people of this Province and granting them greater opportunities than before for co-operation in the difficult task of administration. On the other hand, it might be doubted whether we have yet contributed anything substantial or of enduring benefit to the Budget discussion or made many valuable and specific recommendations by moving resolutions. While admitting that we non-official members have had our limitations in the period when we were associated with the Government, I may say that the Council has been slowly qualifying itself for a judicious exercise of these new powers without, on the one hand, seeming too eager to make a display of its powers and without, on the other hand, neglecting to place before the Government the more pressing wants of the people. The Council has mainly confined itself to the task of soliciting information on questions of public interest ; and by so doing has tried to assist in spreading a knowledge of facts among the people and removing doubts and difficulties which had arisen through lack of information. I hope and believe that interpellation has not in any sense been everdone. I think I am voicing the opinion of this Council when I say that the replies vouchsafed by the Government have been, as a rule, full, informing and sympathetic, and have generally been a model for this Council, and possibly for others as well, fulfilling the real object of interpellation, namely, 'removal of dissatisfaction due to misconception,' the existence of which Your Honour had deplored at the opening meeting of this Council three years ago. From the popular point of view I may be permitted to observe the effect has not been fully satisfactory ; but it might be trusted that the Government would be pleased to look more closely into the matters complained against so as to remove the cause of complaint.

"As regards the Budget discussion I believe I am giving expression to the sense of this Council when I say that the non-official members are deeply thankful to Your Honour for the considerate treatment accorded to them. In the first year, a sum of about 3 lakhs of rupees was all that was left under the unallotted head of expenditure. This sum was placed before the Finance Committee to suggest how it should be appropriated among the great spending departments. When I pointed out the futility of this arrangement and appealed for wider powers to be given to the Finance Committee, you, Sir, gave the assurance that the Government had no desire to restrict the operation of the Finance Committee and would interpret as strictly as possible the rule placing limitations upon the powers of that Committee. In conformity with the assurance given in 1910 both as regards the supply of necessary information under minor heads and as regards the provision of a sufficiently large sum under unallotted head, the Government has been steadily progressive; and as a result we have now a more informing financial statement and a sum of rupees 45 lakhs under the unallotted head. Further progress in this direction is possible, as the sum of 45 lakhs is a small fraction of the total provincial expenditure of Rs. 450 lakhs. The usefulness of the Council depends on the effectiveness of the control it exercises on the finances of the province. It was not a non-official member of the Council but Your Honour who gave expression to a hope of a more extensive financial decentralization when the Imperial Government realized that the tax-payers would have a large voice in the disposal of the revenues raised. Financial decentralization has been going on during the last 18 months on the lines suggested by the Royal Commission ; and the Provincial Government now enjoys greater and more uncontrolled powers of expenditure than before. I am hopeful that with the advance of the financial decentralization, the Government will

[ *Mr. Shadi Lal.* ]

be pleased to utilize to a larger extent the services of the Finance Committee by consulting it throughout the year and by placing before it financial schemes which at the time of the preparation of the financial statement are deemed to be of an 'absolutely obligatory character.'

"The legislative duties of this Council have covered a fairly wide area. We have had altogether eighteen meetings of the Council, and including the three Bills discussed to-day, altogether fifteen Bills have been introduced and, with the single exception of the Criminal Panchayat Bill which was withdrawn last summer, all of them have been placed on the Statute Book. Of course, it has not always been the case that there has been a perfect unanimity of opinion between the Government and the non-official members and that every measure proposed by the Government has met with general approval. I have noticed a great deal of difference of opinion even amongst the officials as regards the Bills which have come before the Council, and I, for one, would be sorry if we all refrain from giving expression to honest differences of opinion in order to make this Council a happy family party. No sensible person would suggest for a moment that the non-official members should constitute themselves into a standing opposition to the Government or bring forward measures to put difficulties in its way. But it is the duty of the non-official members to represent the grievances of the people, suggest means of redressing them and press for reform in administration. This is necessary as much to popularise the measures of the Government as to liberalise official views so as to accord with the wishes of the people. The non-official members of this Council have tried, in the words of Your Honour, to 'serve as a medium for conveying to the Government a truer idea of what the wishes and feelings of the people really are and to the people a fuller and clearer insight as to the objects and reasons of the policy and measures of Government.' If we are judged by this test I hope we would not be found wanting. The non-official members have always tried to place their views before the Government with moderation and after due consideration; and the first Reformed Council has every reason to congratulate itself on its harmonious working during the 3 years of its existence. I hope I would not be misunderstood if I may, with your permission, make one or two suggestions for your consideration. Your Honour has twice invited the co-operation of the non-official members by referring draft Bills to a mixed committee before allowing their introduction in the Council. May I plead for a more extended use of this procedure so that the proposals for legislation might be freely discussed at informal meetings before publication. I believe this system is in vogue in the United Provinces, and has given great satisfaction both to Government and to non-official members. Its adoption in this Province will be very much appreciated and produce beneficial results.

"Similarly one or more committees of this Council might be constituted and associated with the Government to examine educational, sanitary and other proposals which affect the people intimately. The members of the committee would, in such cases, have an opportunity of placing before the Government the wants and wishes of the people, and the Government would be in a better position to judge the feasibility of popular suggestions.

"I am afraid I have detained the Council too long, but before I sit down I should like to thank you, Sir, once more for the tact and the ability with which you have guided the deliberations of this Council and congratulate you on its success which is, to a very large extent, due to you. I must not forget to express at the same time my gratitude to my official colleagues for the friendly spirit in which they have taken our criticisms and the care and labour which they have bestowed in collecting facts and figures for our information, and specially to the Hon'ble Mr. Godley, the able head of the Education Department, who might not have liked all the questions I have put to him from time to time.

[ *Rai Bahadur Sultan Singh ; Nawab Sir Bahram Khan.* ]

The Hon'ble Rai Bahadur SULTAN SINGH said :—" As this is the last sitting of this Council and the last occasion on which a citizen of Delhi will be able to speak as member of it, I trust I may be pardoned if I take up a small portion of the Council's time in bidding farewell to the Punjab Government both on behalf of the city of Delhi and myself.

" While we recognise to the full the honour that has been conferred on us by restoring to our city its ancient position as capital of India, we should be indeed lacking in gratitude and loyalty to our old Province if we did not as fully acknowledge the benefits which have accrued in the past owing to our intimate relation with the Punjab.

" At one time in the past it appeared as though we should suffer loss owing to our secondary position in the province. But I would wish to say emphatically that in recent years and especially during Your Honour's Governorship, we have not felt this to be the case. Each year of your administration you have stayed for some time among us and met us and got to know us, and you have also been the prime-mover in one of the most needed sanitary reforms in connection with our city, *viz.*, the clearing of the Bela. You have also taken the greatest possible interest in our educational and municipal affairs. I would assure Your Honour that we are deeply grateful for these kindnesses which you have so lavishly bestowed upon us, and the remembrance of them makes our feelings of rejoicing at the honour conferred on us by the recent changes, mingled with sorrow and regret at our separation from our old province. The citizens of Delhi can never now forget their old ties with the Punjab. The links that have been forged binding us to this province can never be broken.

" In many ways, officially and unofficially, we shall be still, for a long time to come, intimately connected with our old province and its Government. Commercially, at any rate, there is every prospect of our coming into even closer contact than before with the Punjab owing to the greater importance which will attach during the coming years to our city itself and the increasing prominence as the greatest railway centre in all India.

" I should like also to say personally that I feel most deeply conscious of the privilege which I have enjoyed, in being a member of this Council during the past three years, and the interest in administration which it has given me. To be able to go through the finances of the province, to have them explained and to be able to pass criticisms and ask questions upon them, is an education in itself to a layman such as I am. It is true that my colleagues, with large legal experience, are better able to discharge their duties as legislators, but I feel that there is also a place for those who possess only a general experience of affairs and are anxious to help in creating a better understanding between the people and the Government. The mere association in such work of Government removes many misapprehensions from the mind, and makes a layman more able to appreciate the difficulties which our rulers have to meet. At the same time, the opportunity is also freely given to us of stating our opinion clearly when the same is contrary to that which is held by the Government. All this makes our interest in Government stronger and our knowledge of Government affairs more accurate, and this is a happy result which this first Reformed Council in the Punjab has brought about, and I offer my hearty congratulations to Your Honour on this achievement.

" With these few words, Your Honour, I take leave of this Council and of our old province of the Punjab."

The Hon'ble Nawab Sir **BAHRAM KHAN** spoke in Urdu, a translation of



which is as follows:—

"Your Honour, this is the last meeting of the Council established under the Reform Scheme of 1910. Though it would be useless for me to explain what the Council has done during the last three years, yet I think it necessary to give my views in regard to it. It will have to be admitted that the laws that have been passed, and whatever else has been done by the reformed Council under Your Honour's presidency, has given no cause of complaint or objection to either the public or the Government. For all this thanks are due to Your Honour for your statesmanlike policy and to the members of the Council for their good faith and wise counsels. Though I know that if I should like to say anything just now in regard to Dera Ghazi Khan it would be out of place and premature, yet in view of the fact that this is the last meeting of the Council I respectfully beg to submit as follows. The blow sustained by Dera Ghazi Khan is distressful. Your Honour has very sympathetically given your consideration to the construction of the new town, and has specially deputed an European officer for this purpose. There is no doubt that the local officers have also worked very sympathetically and assiduously on this work. It would have been known to you from the reports of the local officers and the doctors that the new city suffered a great loss on account of cholera in the months of September and October owing to not getting pure water. In spite of all these blows the town has been and is being populated with great perseverance. Thanks are due to Your Honour for the arrangements which you have made for the *nals* (tube wells). Dera Ghazi Khan, whose foundation has been laid by you, still stands in need of your royal generosity. Owing to small incomes of the district board and the municipality and owing to the trade being on a small scale, there is not sufficient money available to prepare roads and to plant trees, and until a branch of the *Nala Manka* is brought to the western part of the city as desired by Your Honour, and becomes a permanent canal, there is little hope of the city flourishing. It is true that owing to its size Dera Ghazi Khan has been the trading centre of Baluchistan and its neighbouring tahsils, but the blows inflicted by the river have tended to sever its trade connections with all. The new city is situated at a distance of 18 miles from railway. If through Your Honour's consideration and help a narrow gauge railway be constructed from the western bank of the river to Sakhi Sarwar or to the new Dera Ghazi Khan, for which roads, etc., are ready, and which do not stand in need of heavy expenses, there can be every hope of reviving the prosperity and trade of Dera Ghazi Khan. I need not encroach upon your time any more."

His Honour the PRESIDENT:—"I did not expect to reply to so many matters at this last meeting. I can only say that I am very much obliged to the Hon'ble Members for the very kind way in which they have spoken about any services I may have been able to render to the Council. I felt in 1897 that the establishment of a Council in the Punjab would meet a very real want. At that time I was almost alone in advocating the establishment of the Council. Also when the question of a reformed Council was brought on the tapis, I felt again that the time had arrived at which we might make a step in advance and admit a considerable elected element to our deliberations. I am very glad that my anticipations in both of these matters have been more than realised. The Legislative Council of the Punjab has always shown that sound common-sense which I am glad to think distinguishes the people of this Province; and it has also been specially distinguished by a very obvious desire to co-operate with Government in all measures adapted for the good of the Province. At the same time we have not all been a happy family party which is the very last thing we should have in this Council. As Hon'ble Members have pointed out, our debates have been keen, and a great diversity of opinion on many measures brought forward has been evidenced. That is as it should be in a debating assembly, and unless measures were debated in that spirit, it would be useless to have any meetings at all. I can only thank Hon'ble Members for the very great and real assistance that they have given to

[ *The President.* ]

the Government in carrying on its work, both in regard to legislation and also in regard to the financial administration of the Province.

"It is perfectly true that, as regards legislation, we have now passed 14 Acts and the 15th is before Council. These Acts include some most important measures, such as The Municipal Act, The Colonies Act, The Civil Panchayats Act and The Law to Amend Civil Appeal in this Province. Now every one of these measures might have given rise to very considerable agitation if they had been carried without proper discussion and consideration in this Council. One of them was unfortunately the subject of misconception and agitation, and had to be withdrawn in the last Council. The result, I think, of our deliberations and debates here has been that the people have been thoroughly well informed of the nature of the measures proposed and the way in which they were to be enforced. The consequence has been that measures passed by us I believe honestly have been well accepted by the public, and I trust that in the future that is the way in which the debates in this Council will always be conducted. On the part of Government we have done all that we possibly can to place the very fullest information before Hon'ble Members on all matters that came forward, and I am glad to think that Hon'ble Members hitherto fully responded to our attempts to inform them fully in regard to matters that they had to deal with, and the spirit with which they have approached those matters has been altogether admirable.

"With regard to budget matters I quite agree that at first the Finance Committee of the Council had very little to do. That was perhaps in part due to the nature of the orders under which we were working at the time. It was really more due to the fact that there were very small unappropriated balances with which they could deal, or with which the Government could deal. I am very glad to think that, thanks to energetic representations in suitable quarters, for which we are very grateful to the Hon'ble Mr. FENTON, and also to energetic measures taken in the Punjab itself, to recover outstanding revenue, the financial position of the province is very different from what it was four years ago. I shall have another opportunity no doubt of dealing with that during the budget debate next year. At present I can only say that I think Hon'ble Members will find that year after year there will be a much larger amount of money placed at the disposal of the Finance Committee, and that Government will always be only too ready to receive their suggestions and advice as to the best means of spending that money.

"I think the suggestion made by the Hon'ble Mr. SHADI LAL for appointing a sub-committee to deal with questions of sanitation, education and matters of that kind has a great deal to recommend it, and I can only say that I will most carefully consider it.

"As regards the other matter, I am very glad indeed to think that the measure, which on one or two occasions I have already adopted in referring a somewhat contentious legislative proposal to a committee before it was taken into Council, was approved, and I quite agree with the Hon'ble Mr. SHADI LAL in thinking that that is a procedure which might very usefully be resorted to in future. It saves a great deal of trouble, and it also enables everybody to say in an informal way exactly what they think about what is proposed. At the same time, we must not do too much of that, or our debates in Council will become mere matters of form and intensely uninteresting.

"The Hon'ble Nawab has referred to the deplorable condition of Dera Ghazi Khan. I can only again assure him that we all sympathise fully with the sufferings of the people of that distressful city. It is extremely annoying that things will not always go as we should like them to go. I understand that the river Indus, having this August carried away a very large portion of the civil station in addition to the old city, has now altered its

[ *The President.* ]

course, and is flowing peacefully down the channel which we intended it to flow down three years ago, and a very large portion of the area which had been swept away has been replaced. However, it is too late now to contemplate the possibility of Dera Ghazi Khan flourishing on its old site, and I can assure the Hon'ble Member that I have done everything that was possible to make the new city a success. I recognised that Dera Ghazi Khan would never be a flourishing place unless arrangements were made, not only for drinking water, but also for irrigation supplies. It is very dry in the hot weather, and without irrigation nothing will grow there. I believe the arrangements I proposed to the irrigation officers will be successful so far as irrigation is concerned, and I am convinced that in a few years the new town will be a much better, healthier and pleasanter place to dwell in than the old town has been.

"There was a very regrettable outbreak of cholera this year. It was not altogether the fault of Government. There was water—in fact too much water. Water was running down the centre of the streets, and people insisted on drinking this water instead of going to the wells. A pumped supply will be supplied, and then there ought to be no complaint as to that, because the supply has been taken from those deep strainer tube wells from which there can be no possible contamination.

"It is a long way to travel, as the old saying is, from Dera Ghazi Khan to Delhi, but I am sure that all Hon'ble Members will agree with me in thanking the Hon'ble Member for Delhi city, the Hon'ble Mr. SULTAN SINGH, for the very kindly way in which he referred to the connection of Delhi with the Punjab. I can only say that the feelings of affection that exist apparently on the part of Delhi towards the Punjab are more than reciprocated by the Punjab for Delhi, and that our consolation is that, though we shall be separated formally, we shall still be very near neighbours, and I trust very good friends in the future. One great disadvantage of the present administrative arrangement is the fact that we are deprived of some of our most eminent commercial members by the fact that Delhi is no longer within the jurisdiction of the Punjab Legislative Council. I do not know whether it will be possible to get out of that difficulty. We still have the Hon'ble Mr. CURRIE, and I am very glad to be able to congratulate him as the first Hon'ble Member returned for the new Council. I commend to the Chamber this question for consideration as to how, though Delhi is not in the Punjab, the Chamber of Commerce will be able so to arrange matters that we may have the benefit of their assistance in our legislative debates. I do not think that is impossible, but it is a matter which surely requires the attention of the Chamber, as sometime we may find objection taken to the fact that the head office of the Chamber is in Delhi, and therefore that it does not properly represent the Punjab.

"I may mention to Hon'ble Members that it is rather interesting that we have had 18 meetings of this Council during the past three years, and that in the three previous years there were only three meetings of the Legislative Council; so it is pretty obvious that Government has been only too ready to take advantage of the advice of the Hon'ble Members as now constituted. The power of interpellation the Hon'ble Mr. Shadi Lal claims has been suitably exercised. I can only say that I can fully endorse his claim. The questions asked by Hon'ble Members have never been irrelevant, and have generally been useful as having interest for the public upon matters on which they ought to be informed, and I can only say that the Government most freely recognise that those questions saved a great deal of misapprehension and a great deal of trouble, as our whole object is that our measures should be thoroughly understood by the people with whom we have to deal.

[ *The President.* ]

"During the three years the Council was unfortunate enough to lose two Hon'ble Members by death, the Hon'ble Sardar Partap Singh and the Hon'ble Colonel Parsons. They were both most valuable Members of Council, and Sardar Partap Singh had been specially elected as the representative of the Punjab in the Imperial Council. The efficiency with which he discharged his duties there can be realised by the fact that the Viceroy announced, after the Coronation Darbar, that if the Sardar had survived, he would have been the recipient of a very high honour from His Majesty the King Emperor. The work of Colonel Parsons is well known to all. He was a man of pronounced views, who was not afraid of putting them forward, and everyone felt that, although they might not agree with him his views were honest, and were put forward in what he believed to be the true interests of the people.

"I might perhaps touch on the remarks made by outsiders who have not attended the meetings of this Council with as great frequency as we would like, that the present Council is not representative of anything, and that it would be much more representative if it had been formed and constituted in other ways. I do not think, speaking as an outsider in this matter, that we could have got more representative men than the President of the Hindu Sabha, the President of the Punjab Chiefs' Association, the Secretary of the All-India Moslem League, and the members elected by the municipalities who have been so useful to us in our discussions upon municipal matters. If gentlemen outside the Council can shew me more representative men in the Punjab than those which I have the honour of seeing before me at present, I should be very much surprised, and at the same time should be very much obliged to them, with reference to the nominations to be made for the next Council.

"I am very sorry indeed that at the elections, which have just taken place, there should have been a tendency again to fall back upon communal differences, and that a larger number of members did not stand for each electoral unit, so that people might have had an opportunity of voting, not merely for black or for white, but for a member who would best represent the interests of their constituency in the Council. I am afraid it will be some time before we arrive at that more happy condition. The same results, I am sorry to say, are seen even in many countries in the West; but I do hope that the Punjab will try to rise above these purely sectarian reasons. In this Council we want people of all classes and creeds, and as many elected members as possible; but it is perfectly obvious that if election is to proceed purely and simply on religious lines, it is very difficult indeed for Government to make wider the basis of that electoral representation which is desired by nobody more than Government itself.

"I thank you all, gentlemen, again for the very kindly reference you have made to myself, and still more for the very great and real assistance you have given to the Punjab Government for the last three years."

## ADJOURNMENT.

The Council adjourned *sine die*.

LAHORE :

The 14th October 1912. }

S. W. GRACEY,

Secretary, Legislative Council.

*1912*  
*14/10/12*  
*14/10/12*

## APPENDIX A.

## I.

## (Primary Education—Boys.)

Cultivated area (in square miles).	Present number of primary schools.	Proposed number of primary schools.	Resident total of primary schools.	Average number of square miles of cultivated area which will be served by each school under resultant total.	Male population.	Percentage of boys at schools of all classes to male population.	Average number of boys to be accommodated in each of the newly established schools.	Resident percentage of boys expected to be in attendance at schools of all classes to male population.	Maintaining a primary school.	Proposed average annual cost* of educating a pupil in a primary school.	Maintaining a primary school.	Proposed average annual cost of educating a pupil in a primary school.	Proposed total expenditure.	Proposed total increase.
42,549	3,217	2,783	6,000	7.69	10,992,067	2.7	35	36	Rs.	5 3 0	Rs.	10 10 0	Rs.	15
									254	Rs. A. P.	250	Rs. A. P.	10,69,006	Rs.
										5 3 0		7 3 0		8,50,000

\*Only the recurring cost of school, is shown, i.e., maintenance of staff, contingencies, repairs, etc.

## II.

## (Primary Education—Boys.)

Present number of primary schools.	Persons under training for primary teachers.	Number of years in which at present rate of training and allowing for 5 per cent. casualties will be trained.	Present number of primary training schools.	Proposed number of primary training schools.	Proposed number of persons to be annually trained.	Number of years in which, as proposed, many schools will be fully staffed with trained teachers.	Proposed average annual cost of each training school (excluding stipends).	Proposed average annual stipend for each person under training.	Proposed average annual cost of a training school (including stipends).	Proposed total cost.	Proposed total increase.
1	12	4	5	6	7	8	9	10	11	12	13
5,374	2,655	369	5	8	610	12	Rs.	Rs.	Rs.	Rs.	Rs.
							7,100	96	15,000	1,20,000	52,500



**APPENDIX V.**  
(Primary Education.—Boys).

Expenditure on primary education from	1909-10.		1910-11.		1911-12.		1912-13.				1913-14.			
	Capital.		Recurring.		ESTIMATED.		INCREASE.		TOTAL.		INCREASE.		TOTAL.	
	Capital.		Recurring.		Capital.		Recurring.		Capital.		Recurring.		Capital.	
	Capital.		Recurring.		Capital.		Recurring.		Capital.		Recurring.		Capital.	
	Capital.	Recurring.	Capital.	Recurring.	Capital.	Recurring.	Capital.	Recurring.	Capital.	Recurring.	Capital.	Recurring.	Capital.	Recurring.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Provincial funds	...	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.
Local funds	...	1,57,645	...	1,72,531	...	1,70,000	...	...	...	1,70,000	...	...	...	1,70,000
Private funds	...	2,07,253	1,77,846	7,85,308	1,80,000	8,00,000	4,00,000	...	5,80,000	8,00,000	5,00,000	...	10,80,000	8,00,000
Imperial funds	...	4,990	49,002	2,908	53,056	60,000	...	...	...	3,00,000	50,000	...	50,000	50,000
Total	...	2,12,243	9,83,825	1,80,754	10,10,505	1,80,000	4,00,000	3,00,000	5,80,000	13,20,000	5,50,000	1,70,000	11,30,000	14,90,000

Expenditure on primary education from	1914-15.		1915-16.		1916-17.							
	INCREASE.		TOTAL.		INCREASE.		TOTAL.					
	Capital.		Recurring.		Capital.		Recurring.					
	Capital.		Recurring.		Capital.		Recurring.					
	Capital.	Recurring.	Capital.	Recurring.	Capital.	Recurring.	Capital.	Recurring.				
1	16	17	18	19	20	21	22	23	24	25	26	27
Provincial funds	...	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.
Local funds	...	6,00,000	...	1,70,000	...	...	...	...	...	...	...	...
Private funds	...	...	...	8,00,000	7,00,000	...	23,80,000	8,00,000	7,00,000	...	20,80,000	1,70,000
Imperial funds	...	50,000	...	50,000	50,000	...	...	50,000	...	...	...	50,000
Total	...	6,50,000	1,70,000	16,60,000	7,50,000	1,70,000	25,30,000	18,30,000	7,00,000	1,70,000	32,30,000	20,00,000

\* Local board and municipal.

\* Local board and municipal.

## APPENDIX B.

*Result of Medical Inspection in the Secondary and Upper Primary Departments of the Government High School, Amritsar.*

Name of Department.	Number examined.	NUTRITION.		CLEANLINESS.				HEART.		LUNGS.		TEETH.		EYES.		TURN- CLOSER.		RICKETS.		Other diseases.
		Good.	Bad.	Head.		Body.		Normal.	Defective.	Normal.	Defective.	Good.	Dirty or bad.	Normal.	Defective.	Actual.	Doubtful.	Actual.	Doubtful.	
				Good.	Bad.	Good.	Bad.													
High Department	16½	84	20	102	2	103	1	102	2	101	3	54	50	48	56	...	1	1½	...	...
	32	15%	60%	2%	1%	1%			2%			40%			54%					
Middle Department	207½	188	69	173	35	176	36	203	4	199	8	109	98	138	69	1	...	...	...	5
	26	13%	33%	17%	17%	17%	17%		2%	4%		47%			33%					2%
Upper Primary Department	180%	150	30	163	17	165	15	180	...	180	...	144	66	139	41	...	...	...	1	2
	4	17%	17%	9%	9%	8%						36%			23%				1	5%
Grand total	491½	373	118	437	54	439	62	485	6	480	11	277	214	325	166	1	1	1	1	...
	62	24%	24%	11%	11%	11%			1%	2%		44%			33%				1	...

Three boys abnormally fat.

One boy enlarged spleen.

One boy a bony prominence in the chest.

One boy car defective.

One boy spleen and liver enlarged.

One boy opacity in the eye.

2nd December 1912,

E. SMITH,  
Headmaster.



## APPENDIX C.

*Statement showing the initial outlay to date on the buildings of the Punjab Agricultural College.*

Year.	Name of Major Work.	Expenditure.	REMARKS.
		Rs. A. P.	
1900-07	Constructing a residence for the Deputy Director of Agriculture.	14,341 15 2	Now used by the Professor of Agriculture.
	Constructing an Agricultural College and Chemistry Block.	98,607 5 5	
	Constructing servants' quarters with latrines and urinal for Agricultural College.	9,152 12 5	
	Constructing metalled road for Agricultural College.	14,060 8 2	
	Constructing boarding-house for Agricultural College.	26,688 10 7	
1907-08	Agricultural College buildings and Chemistry Block.	1,02,919 6 4	
	Constructing metalled road for Agricultural College.	2,257 11 2	
	Water-supply for Agricultural College, Lyallpur	9,842 1 6	
	Construction of a residence for the Chemist of the Agricultural College.	10,341 8 7	
	Constructing residence for the Principal, Punjab Agricultural College.	11,754 4 2	
1908-09	Constructing an Agricultural College and Chemistry Block.	32,382 7 2	
	Providing fixture for Chemistry Block	13,534 0 8	
1909-10	Constructing the Agricultural College and Chemistry Block, Lyallpur.	9,935 6 5	
	Providing fixture to Chemistry Block, Lyallpur	2,589 8 6	
	Constructing fixtures main block, Agricultural College.	17,881 13 4	
	Constructing a residence for the Chemist at Lyallpur.	3,197 6 4	
	Laboratory drainage, Agricultural College, Lyallpur.	6,330 11 5	
	Providing oil gas plant for Agricultural College	27,592 13 10	
	Providing and erecting an ice-making plant at Lyallpur.	2,497 10 6	
1910-11	Constructing a workshop for the Agricultural College, Lyallpur.	15,813 7 0	
	Providing electric energy for the Agricultural College, Lyallpur.	20,250 10 6	
	Extension of the boarding-house of the Punjab Agricultural College.	2,872 2 0	

Statement showing initial outlay to date on the buildings of the Punjab Agricultural College, Lyallpur.

Year.	Description of Work.	Expenditure.	Balance.
	<i>Major Works.</i>	Rs. A. P.	
1911-12	Constructing workshop, Punjab Agricultural College, Lyallpur	13 7 9	
	Constructing agricultural College and Chemistry Block at Lyallpur	129 8 6	
	Addition to bonning-houses attached to Punjab Agricultural College	13,075 12 10	
	Providing electric energy, Punjab Agricultural College, Lyallpur	9,206 13 11	
1905-06		3,816 2 9	
1906-07		5,160 9 8	
1907-08		3,976 6 9	
1908-09	<i>Minor Works.</i>	12,317 2 3	
1909-10		17,174 12 3	
1910-11		11,650 6 6	
1911-12		3,253 9 7	
	<b>Buildings—Grand Total</b>	<b>530,569 11 11</b>	

Statement showing the cost of the tutorial staff and up-keep of the Punjab Agricultural College during 1909-10, 1910-11 and 1911-12.

Year.	Strength of tutorial staff, European.	Cost of the tutorial staff, European.	Strength of tutorial staff, Indian.	Cost of the tutorial staff, Indian.	* Cost of up-keep including all other expenditure except building.	† Total on both research and teaching.	Total number of students in the College.	Average cost per student per annum.	Fees paid by students.
1909-10	3	Rs. 437,223	Five Assistant Professors. Six Laboratory Assistants. One Boarding House Superintendent. Allowance to T.	Rs. 27,411	Rs. 62,695	97,229	16	Rs. 6,075	Rs. 754
1910-11	3	420,139	Five Assistant Professors. Six Laboratory Assistants. One Boarding House Superintendent. Allowance to T.	410,969	51,531	49,341	35	2,324	2,474
1911-12	3	429,205	Five Assistant Professors. Twelve Teaching and Research Assistants. Demonstrators and Lecture Table Assistant.	411,707	53,339	29,083	52	1,731	8,023
Total	...	1,286,568	...	829,847	1,68,559	2,77,019	...	...	...

\* These figures represent expenditure of contingencies, office establishment, menials, &c.

† The figures on teaching given in the Director of Public Instruction's reports are Rs. 37,179 for 1909-10 and Rs. 30,145 for 1910-11. The figures for 1911-12 not received yet.

‡ The whole pay has been shown, but the staff has exterior duties besides educational.

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