

250

PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL

OF THE
PUNJAB,
1918
(WITH INDEX)



Volume IX



GA

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OF THE
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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 Government of India Act, 1915.

THE Council met at Government House, Lahore, at 10-30 A.M., on Wednesday, the 6th February 1918.

PRESENT:

His Honour Sir MICHAEL FRANCIS O'DWYER, G.C.I.E., K.C.S.I., I.C.S.,
Lieutenant-Governor, *Presiding.*

The Hon'ble Mr. JOHN PERRONET THOMPSON, I.C.S.

The Hon'ble Mr. JAMES ALEXANDER RICHEY.

The Hon'ble Mr. HERBERT JOHN MAYNARD, C.S.I., I.C.S.

The Hon'ble Mr. OSWALD FARQUHAR LUMSDEN, I.C.S.

The Hon'ble Sardar Bahadur Sardar GAJJAN SINGH.

The Hon'ble Rao Bahadur Chaudhri LAL CHAND.

The Hon'ble Khan Bahadur Sayid MEHDI SHAH.

The Hon'ble Rai Bahadur Pandit SHEO NARAYAN.

The Hon'ble Rai Bahadur RAM SARAN DAS, C.I.E.

The Hon'ble Mr. WILLIAM FREDERICK HOLMS.

The Hon'ble Mr. CHARLES JOSEPH HALLIFAX.

The Hon'ble Mr. JAMES CURRIE.

The Hon'ble Rai Bahadur Bakhshi SOHAN LAL.

The Hon'ble Rai Bahadur Raizada BHAGAT RAM.

The Hon'ble Sayad MAKHDOM RAJAN SHAH.

The Hon'ble Diwan Bahadur Diwan DAULAT RAI.

The Hon'ble Mr. CREWE ARMAND HAMILTON TOWNSEND, I.C.S.

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

The Hon'ble Khan Sahib Mirza MUHAMMAD IKRAM ULLAH KHAN.

The Hon'ble Mr. EDWIN WOODALL PARKER.

The Hon'ble Mr. HENRY DUFFIELD CRAIK, I.C.S.

The Hon'ble Khan Bahadur Malik MUHAMMAD AMIN KHAN.

The Hon'ble Colonel HAROLD HENDLEY, M.D., I.M.S.

The Hon'ble Mr. STEPHEN WILLIAM GRACEY, I.C.S.

The Hon'ble Sardar Bahadur Risaldar PARTAP SINGH.

The Hon'ble Khan Bahadur Mian FAZAL-I-HUSSAIN.

OATH OF OFFICE.

The Hon'ble Messrs. W. F. Holms and C. J. Halifax took the prescribed oath of allegiance to the Crown.

PAPERS LAID ON THE TABLE.

DESCRIPTION.

Statement relating to the issue of arms licenses in the Kangra District (see answer to question 20), (*vide* Appendix A).

Statement showing population, cultivated area and cattle in Nurpur Tahsil of Kangra District (see answer to question 23), (*vide* Appendix B).

Statement showing the expenditure incurred during the last five financial years (1912-13 to 1916-17) by Government in the encouragement of industries (see answer to question 37), (*vide* Appendix C).

Proceedings of a committee which met on October 29th, 30th and 31st to discuss District Board Educational Finance (see answer to question 41), (not printed).

Statement of peasant grantees (see answer to question 43), (*vide* Appendix D).

Statement showing retired military officers (see answer to question 41), (*vide* Appendix E).

Statement showing disposals in the Court of the District and Sessions Judge, Karnal, from 1st August 1914 to 31st December 1917 (see answer to question 48 (a)), (*vide* Appendix F).

Statement showing civil appeals transferred from the Court of the District and Sessions Judge, Karnal, to other districts since July 1914 (see answer to question 46 (a)), (*vide* Appendix G).

Statement showing number of civil and criminal appeals pending in the Court of the District and Sessions Judge, Karnal, at the end of December 1917 (see answer to question 48 (b)), (*vide* Appendix H).

Statement showing the amount for the recovery of which suits were filed in the various Civil Courts in the Rohtak District and the total number of such suits in 1912, 1913, 1914, 1915, 1916 and 1917. (see answer to question 49 (a) and (b)), (*vide* Appendix I).

Statement showing names of Zilladars of over 10 years' permanent service in the Public Works Department, Irrigation Branch, Punjab (see answer to question 58 (a)), (not printed).

Statement showing the number of Inspectors and Sub-Inspectors in the Co-operative Societies in the Punjab, number of such appointments held by Sikhs, Hindus and Muhammadans and number of direct appointments of Inspectorships according to Educational qualifications (see answer to question 74), (*vide* Appendix J).

[Rai Bahadur Bakshi Sohan Lal.]

List of Sub-Registrars who have attained the age of 55 but are below 60 (see answer to question No. 14 (a) asked by the Hon'ble Rai Bahadur Ramsaran Das at the Council Meeting of 21st December 1917), (not printed).

List of Sub-Registrars over 60 years of age (see answer to question No. 14 (a) asked by the Hon'ble Rai Bahadur Ramsaran Das at the Council Meeting of 21st December 1917), (not printed).

Statement showing promotions given to kanungos and their proportion to the total appointments made during the last 10 years in the grades of Naib-Tahsildars, Excise Sub-Inspectors, Revenue Readers and Zilladars (see answer to question 3 (d) by the Hon'ble Khan Sahib Mirza Muhammad Ikram Ullah Khan at the Council Meeting of the 6th November 1917), (vide Appendix K).

QUESTIONS AND ANSWERS.

The Hon'ble Rai Bahadur Bakshi Sohan Lal asked :—

1. "With reference to my questions and replies thereto by the Hon'ble Mr. Craik, on the meeting of this Council, held on the 6th November 1917 and on the 13th March 1917, will the Government be pleased to place on the table :—

"(a) Government of India's orders sanctioning the scheme for recruitment to the Provincial Forest Service alternately by the direct nomination and by promotion of the Forest Rangers.

"(b) Government of India's orders laying down conditions of two years' officiating period as Extra Assistant Conservator of Forests to qualify a Ranger for permanent appointment in the Provincial Service.

"(c) A statement as to how the permanent vacancies in the Provincial Service have up to date been filled up from 1st April 1914 when Mr. B. M. Warde, the first direct nominee, was selected under the scheme.

"(d) A statement as to how far the following statement of filling such vacancies is correct :—

Serial No.	Name of officer appointed.	Date of appointment.	Appointed from Rangers' to Probationers' Class.
1	Mr. B. M. Warde	1st April 1914	Probationer.
2	Muhammad Afzal	18th April 1915	Ditto.
3	Mian Budhi Singh	1st June 1915	Ranger.
4	Bhai Kartar Singh	5th December 1915	Probationer.
5	Mian Lekh Chand	16th May 1916	Ditto.
6	Lala Bakshi Ram	11th September 1917	Ranger.
7	Khan Muhammad Khan	1st November 1917	Probationer.

2. "Will the Government be pleased to state whether it is correct that in spite of the fact that more than two-thirds instead of one-half the

Vacancies in the Forest Department.

[Mr. Craik.]

vacancies having already been given to the probationers the Government intends to appoint probationers to the two vacancies still to be filled up in 1918, &c.—

"(1) caused by the retirement of Khan Bahadur Imam-ud-din on 1st November 1917.

"(2) expected to occur in 1918 on retirement of Lala Mul Raj, Extra Deputy Conservator of Forests?"

Vacancies in
the Forest
Department.

3. "Will the Government be pleased to state whether it is correct that in the ordinary course after the retirement of Lala Mul Raj, in 1918, no vacancy in the Provincial Forest Service is expected to occur till 1929 and that the present Forest Rangers who have not got the alternative chance of appointments, will have no chance of being promoted to the Provincial Forest Service, before their expected time of retirement on pension arrives?"

Vacancies in
the Forest
Department.

4. "Will the Government be pleased to state whether there is any proposal under consideration to reserve the two vacancies which are to be filled up in 1918 exclusively for Forest Rangers so that the recruitment from Forest Rangers and from direct nominees be equalized—

"(a) by keeping these vacancies open till the time that two Forest Rangers complete their two years' officiating periods in order to qualify themselves to the appointments; or

"(b) by dispensing with the condition or by reducing the two years officiating period so as to make these vacancies available for Forest Rangers as special cases?"

The Hon'ble Mr. Craik replied :—

"I will reply to the first four questions of the Hon'ble Member together. As regards parts (a) and (b) of question 1, communications from the Government of India cannot under the rules of that Government be made public without their express orders. In regard to the other points raised in the questions, I do not propose to give detailed replies as Government does not consider that the Legislative Council is a suitable place for ventilating the grievances (in this case purely imaginary) of particular individuals or a particular class of Government officials. Such ventilation might easily provoke counter questions from the other interests affected and it is obviously undesirable that this Council should be turned into an assembly for discussing the rival claims of individuals. If, however, the Hon'ble Member will call on me at any convenient time, I shall be glad to show him the papers connected with the subject. I am afraid the Hon'ble Member cannot have studied carefully the replies given by me to his questions of 13th March and 6th November 1917. If he had done so, he would have seen that the grievances of the Rangers have no foundation in fact. Several of the assertions made by the Hon'ble Member in his present questions are misleading, as for example the statement in part (d) of question 1, which omits reference to two vacancies in 1909, one in 1912 and one in 1914, all four of which were filled up by the promotion of Rangers. The assertion made in question 2 that more than two-thirds of the vacancies have already gone to probationers, is equally inaccurate. As a matter of fact, as I pointed out in this Council on the 6th of November, less than half the total vacancies have gone to probationers."

[Rai Bahadur Bakhshi Sohan Lal ; Mr. Craik.]

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

5. " Will the Government be pleased to state whether it is correct that the Ráwalpindi Forest Division has recently been split into two divisions of which one is called the major and the other the minor division ? If so, will the Government be pleased to give names of the officers-in-charge of each division and of the head-quarters of each division ? "

Ráwalpindi
Forest Divi-
sion.

The Hon'ble Mr. Craik replied :—

" The answer to the first part of the question is in the affirmative Mr. A. D. Blascheck is in charge of the Western Division, with head quarters at Ráwalpindi and Ghora Gali, and Mian Budhi Singh of the Eastern Division, with head-quarters at Ráwalpindi. The Hon'ble Member could have found this information in Punjab Government notifications Nos. 17153 and 17154, dated 11th September 1917."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

6. " Will the Government be pleased to state the areas, the forest conditions and qualities of each of the two newly-constituted divisions and the distinctive features which necessitated the one to be styled as the major and the other as the minor division ? "

Ráwalpindi
Forest Divi-
sion.

The Hon'ble Mr. Craik replied :—

" The area of Ráwalpindi West Division is 179,866 acres and that of Ráwalpindi East Division 81,371 acres. The work in the former division is much heavier than in the latter, and for this reason the two divisions were classified as major and minor charges respectively. As the two forest divisions are developed it may be necessary to reconsider this classification and to make both divisions major charges. At present the classification is temporary and Government sees no reason to alter it."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

7. " Will the Government be pleased to state whether it is correct that an Extra Assistant Conservator in charge of a minor division is not allowed to get the charge allowance, while he would get it if he is in charge of the major division or of the sole division ? "

Allowance
for holding
charge of a
minor forest
division.

The Hon'ble Mr. Craik replied :—

" An officer of the Provincial Service draws an allowance of Rs. 50 per mensem if he is in charge of a major division, as such divisions are usually held by officers of the Imperial Service and by Extra Deputy Conservators. An officer of the Provincial Service is not entitled to any special allowance while in charge of a minor division."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

8. " Will the Government be pleased to state whether the Govern-
ment of India have sanctioned an increase of 50 per cent. over the ordinary rates of travelling allowance to Forest Officers of all grades and ranks working in hill tracts, but that while the Officers of the Imperial and Provincial Forest Services are allowed to draw their travelling allowance at enhanced rates, the Officers of the Subordinate Service are denied the concession in hill tracts of the Rawalpindi and Kangra Divisions ? "

Travelling
allowance of
Forest officers

The Hon'ble Mr Craik replied :—

" In 1901 the Government of India sanctioned an increase of 50 per cent. in the daily travelling allowance ordinarily admissible to Forest Officers of all grades when stationed in hill tracts (with the exception of the Simla

[Rai Bahadur Bakhshi Sohan Lal ; Mr. Craik ; Mr. Thompson.]

and Bashahr Divisions; subject to a maximum allowance in the case of any officer of Rs. 7-8-0 per diem. This concession did not apply to officers of and below the rank of Ranger.

" In 1910 certain Rangers asked to be allowed in the hills 50 per cent. more travelling allowance than in the plains. Their representation was fully examined by the Conservator, who found that in the case of Rangers of the four higher grades the total amount of travelling allowance drawn during a period of a year substantially exceeded the estimated cost of travelling. No increase in the rate of allowance was therefore justified in their case. In the case of Rangers of the 5th and 6th grades it was found that the expenses incurred exceeded the amount of allowance drawn, and the Conservator accordingly recommended that in the Kulu, Kangra and Rawalpindi Divisions (except the Kangra River and the Rawalpindi and Kala Chitta Ranges) the rates of daily travelling allowance admissible to Rangers of the 5th and 6th grades should be raised to Re. 1-2-8. The old rates had been Re. 0-13-4 for the fifth and Re. 0-10-8 for the sixth grade.

" This proposal was sanctioned by the Punjab Government, and so far as I am aware no representation on the subject has since been received by Government."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

Report of
Conference of
Forest Officers
at Dehra Dun.

9. " With reference to the reply of the Hon'ble Mr. Craik to my question No. 106 in the meeting of this Council held on 6th November 1917, will the Government be pleased to lay on the table a copy of the decision of the Government of India on the report of the Conference of Forest Officers held at Dehra Dun in July last ? "

The Hon'ble Mr. Craik replied :—

" The Government of India left it to the Governments of the United Provinces and the Punjab to take such action as they might think fit on the recommendations of the Conference."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

10. " Will the Government be pleased to state—

Complaints
against
Nawab Ata
Muhammad
Khan of
Kala Bagh.

" (a) whether its attention has been drawn to articles under the heading of *Dukhya Nagar ki Faryad* published in the *Urdu Bulletin*, dated 16th January 1918, and in the *Hindustan*, dated 18th January 1918 ;

" (b) whether the residents of Kala Bagh have submitted any representations to the Commissioner and to Local and Imperial Governments embodying their grievances against Nawab Ata Muhammad Khan ; and

" (c) what steps, if any, the Government has taken or intends to take on these representations and generally to allay the grievances of the people of Kala Bagh ? "

The Hon'ble Mr. Thompson replied :—

" The attention of Government has been drawn to complaints against Nawab Ata Muhammad Khan of Kala Bagh. Representations have been received and have been forwarded for disposal to the Commissioner who had previously been directed to make enquiries into certain local grievances."

[*Rai Bahadur Bakhshi Sohan Lal ; Mr. Thompson ; Mr. Richey .*]

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

11. " Will the Government be pleased to state whether it is ^{Complaints} correct— ^{against} ^{Nawab Ata} ^{Muhammad} ^{Khan of} ^{Kala Bagh.}

- " (a) that the Commissioner of Rawalpindi Division in his Darbar held on 6th July 1917, at Mianwali, announced that the Judicial powers (Civil and Criminal) of Khan Bahadur Nawab Ata Muhammad Khan, Rais of Kala Bagh, had been withdrawn by the order of Government ;
- " (b) that the Nawab has discontinued to exercise any powers since the date of the announcement but the order withdrawing such powers has not yet been published in the *Punjab Gazette* ;
- " (c) if so, will the Government be pleased to state the cause for not notifying this fact in the *Gazette* ?"

The Hon'ble Mr. Thompson replied :—

"The powers of the Nawab have not been withdrawn and so far as Government is aware the Commissioner did not announce their withdrawal at the Darbar in question."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

12. With reference to the replies of the Hon'ble Mr. Richey to the questions Nos. 2 and 23 in the meeting of this Council held on 21st December 1917, will the Government be pleased to states— ^{Expenditure of} ^{educational} ^{grants.}

- " (a) whether expenditures on original buildings are recurring or non-recurring expenditure ;
- " (b) whether any previous sanction of the Government of India was obtained for the transfer of the sum of Rs. 40,000 to the Public Works Department for expenditure on the buildings and for the devotion of the remaining Rs. 1,35,000 of the recurring grant to buildings for the training of the teachers ;
- " (c) whether the grant of Rs. 1,75,000 was recurring one for the specified purposes of increasing the pay of the teachers in the Subordinate Educational Service and for the training of teachers ;
- " (d) whether the Government has any proposal under consideration for spending during the current year anything out of the grant on any of the following requirements—
- " (1) increase in the pay of the teachers in the Subordinate Educational Service ;
- " (2) training of teachers ;
- " (3) increase in the stipends of the students or in the pay of the existing Training Institutions ?"

The Hon'ble Mr. Richey replied :—

- " (a) Expenditure on original buildings is non-recurring expenditure.
- " (b) Sanction of the Government of India to the action taken was neither asked for nor required.
- " (c) The grant was intended to quote the actual words of the Government of India for the improvement of the training and pay of teachers in primary and secondary schools in the Punjab."

[*Rai Bahadur Bakhshi Sohan Lal ; Mr. Richey.*]

"It was also specifically suggested that a portion of the grant might be earmarked for encouraging provident funds.

"(d) Government is, as I have already stated, expecting to spend Rs. 40,000 this year on the construction of buildings for the training of teachers.

"I may point out to the Hon'ble Member that this is the only form of expenditure on training which can be usefully incurred in the middle of a school year.

"Proposals for the improvement of the staff of the Central Training College have, as already reported, been submitted to Government for consideration."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

13. "Will the Government be pleased to state whether there is any proposal under consideration of the Government to transfer to the Provincial Educational Service the post of the Subordinate Service, Class I, Education Department; of the 17 posts in the Subordinate Education Service carrying a salary of Rs. 250 or more per mensem so as to enable experienced Head Masters in the Subordinate Service, Class I, and drawing Rs. 250 or more per mensem, to be promoted to the inspection line of the Provincial Service?"

The Hon'ble Mr. Richey replied :—

"The Hon'ble Member is referred to Mr. Godley's reply to a similar question asked by the Hon'ble Mr. Shadi Lal in Council on December 14th, 1912. The Punjab Government has not altered its opinion then announced that in any revised Provincial Educational Service these posts should be included."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

14. "If the answer to the preceding question be in the negative, will the Government be pleased to state whether there is any proposal under consideration of the Government to introduce the system of annual increment in this class of Subordinate Educational Service similar to that obtaining in the other classes of the service in order to improve the prospects of the Head Masters holding posts in the Subordinate Service, Class I, Education Department?"

The Hon'ble Mr. Richey replied :—

"The revision of the Provincial Educational Service is now under the consideration of the Government of India."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

15. "Will the Government be pleased to state whether it is correct—

"(a) that the revised scale of pay sanctioned for the Upper Subordinate Service of the Punjab Public Works Department has had a prejudicial effect on the prospects of the senior men of the cadre inasmuch as the local allowance for sub-divisional charge and first class travelling allowance which 31 of them drew under the old scale has been withdrawn;

"(b) that all promotions have been withheld which were due to certain officers on the list before 1st April 1917 (the date on which the revised scale came into force) and thus a large number of the cadre in both the Branches have been deprived of arrears ranging from 1 to 2 years;

"(c) that in the revised scale sanctioned for the Upper Subordinate Service in the United Provinces of Agra and Oudh, the number of officers allowed to draw first class travelling allowance has been increased;

Transfers to
the Provincial
Educational
Service.

Annual increments in the
Subordinate
Educational
Service.

Upper Sub-
ordinate
service of the
Public Works
Department.

[*Mr. Ho'ms ; Rai Bahadur Bakhshi Sohan Lal .*]

"(d) that the proportion of Honorary Engineers, as allowed in paragraph 92, Public Works Department Code, Volume I, is to be 6 per cent. of the whole cadre, and that the total number of the cadre being 180 for the Irrigation and 41 for the Buildings and Roads Branches, the number of the Honorary Assistant Engineers in both the Branches should be 11 and 3, respectively, instead of only 3 and 1, as it at present is?"

The Hon'ble Mr. Holms replied :—

"(a) In the Buildings and Roads Branch the local allowance for sub-divisional charge was granted to those Upper Subordinates who were in charge of certain selected sub-divisions, so that the allowance was not a personal one and could not be claimed unless the Upper Subordinate was in charge of one of the selected sub-divisions. One Upper Subordinate in that Branch drew, under the new scale, less salary than the sum of his salary and local allowance under the old scale. He was consequently granted a personal allowance which, however, did not bring his salary up to what he drew as combined salary and local allowance before the introduction of the new scale.

"In the Irrigation Branch, where the local allowance was treated as a personal one, no Upper Subordinate is drawing less salary under the revised scale than he did under the old scale including the local allowance.

"As regards first class travelling allowance, the Government of India preferred to defer consideration of this point because it affected equally the Upper Subordinate establishments of other provinces. As a result the privilege of drawing first class travelling allowance, which was permissive to those drawing the old local allowance, is in abeyance.

"(b) Owing to the frequent revision of numerical scales in the Upper Subordinate establishment due to the rapid expansion of irrigation, promotion has been rapid in recent years. When, therefore, promotions were made to give effect to the last revised scale, which was partly on a time basis, it was not considered wise immediately to fill all possible vacancies lest men of little service and immature experience should be promoted too rapidly.

"(c) This Government has no information on the subject of the number of Upper Subordinates in the United Provinces of Agra and Oudh allowed to draw first class travelling allowance."

"(d) The ruling quoted does not lay down that the proportion of Upper Subordinates on whom the honorary rank of Assistant Engineer will be conferred is to be 6 per cent., but may be 6 per cent. Honorary rank has been regarded in practice as a distinction to be conferred only in special cases."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

16. "Will the Government be further pleased to state whether— The same.

"(a) any representations have been made on the subject by the members of the Upper Subordinate Service of the Punjab Public Works Department ;

"(b) there are any proposals under consideration of the Government to allay the grievances of the Upper Subordinate Service of the Punjab Public Works Department ?"

The Hon'ble Mr. Holms replied :—

"Representations are being received from some Upper Subordinates who have not benefited materially by the revised scale, and they are now being considered."

[*Rai Bahadur Bakhshi Sohan Lal ; Mr. Thompson.*]

The Hon'ble Rai Bahadur Bakhsti Sohan Lal asked :—

Licenses for
arms in the
Kangra Dis-
trict.

17. " Will the Government be pleased to state whether it is

correct —

" (a) that the Deputy Commissioner of the Kangra District has during the months of December 1917 and January 1918 refused without assigning any reasons, the renewal for the year 1918 of a large number of arms licenses ;

" (b) that the Deputy Commissioner has returned many applications for renewal with remarks that the applicants must appear personally to present their applications to him without giving the date and place for appearance and without giving the applicants the choice of appearing by an Advocate, pleader or agent ;

" (c) that persons whose licenses have expired on 31st December 1917 but whose licenses have not yet been renewed for the year 1918, have not been given any opportunity of selling their guns during the currency of their licenses ;

" (d) that this action of the Deputy Commissioner has created much dissatisfaction amongst people of all classes ?"

The Hon'ble Mr. Thompson replied :—

" (a) The District Magistrate reports that up to the 29th January 1918 49 applications for renewal of licenses for purposes of sport, and 104 for protection of crops had been refused. As compared with the number of licenses of either kind existing on the 31st December 1917 the percentage of refusals is 14 in the case of licenses for purposes of sport and 4 in the case of those for protection of crops. It appears that in the middle of 1917 the District Magistrate issued a notice to the effect that licenses would not be renewed in favour of any person who had not in person or through their near relations rendered some form of assistance to Government in connection with the war. Applicants for renewal were required to state in their applications what form of such services had been rendered.

" (b) In some cases where the applicants have failed to comply with these instructions, they have been directed to appear in person. When the District Magistrate has been on tour, the place at which they were to appear had been entered. Pleaders have appeared for several applicants.

" (c) The suggestion apparently is that men whose licenses have expired should be granted short extensions in order to enable them to dispose of their arms. It is doubtful whether the concession asked for is one that has ever been allowed in any district. In section 13 of the Arms Act it is provided that when a license expires, the arms should be deposited at the nearest Police Station and may be claimed by the owner at any time within three years, if he again obtains a license. It is understood that in Kangra a practice obtains of allowing owners of deposited arms to dispose of them at any time within the period of three years, but in view of the wording of section 16 it is doubtful whether this practice is regular.

" (d) Government has no reason to believe that the action taken has created dissatisfaction amongst people of all classes. It seems probable that such dissatisfaction as there is, is confined to the persons immediately affected, who are, it is understood, most of them persons who have done nothing to assist in the war.

[*Rai Bahadur Bakhshi Sohan Lal; Mr. Thompson.*]

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

18. "If the grievances of the Kangra people stated in the last preceding question be correct, will the Government be pleased to state whether there are any proposals under consideration to consider the propriety of the action of the Deputy Commissioner and to order the renewal of the licenses as from 1st January 1918 so as to render lawful their possession of arms after the expiry of their last licenses?"

The same.

The Hon'ble Mr. Thompson replied :—

"It is understood that the matter is engaging the attention of the Commissioner of the Division."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

19. "Will the Government be pleased to state the reasons for which this disarming of a larger number of the people of Kangra District has been ordered by the Deputy Commissioner, and whether this action of the Deputy Commissioner has come to the notice of or been approved of by any of his superior officers?"

The same.

The Hon'ble Mr. Thompson replied :—

"The facts, as stated above, do not appear to justify the statement that there has been a 'disarming of a large number of the people of Kangra District.' As already stated the matter is engaging the attention of the Commissioner."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

20. "Will the Government be pleased to lay on the table a statement relating to the issue (including original grants as well as renewal) of arms licenses in Kangra District showing—

The same.

"(a) the number of the licenses issued for each of the years from 1905 to 1918—

- (1) for shooting purposes ;
- (2) for protection of crops.

"(b) the number of applications for renewal rejected in the months of December 1917 and January 1918—

- (1) for licenses for shooting purposes ;
- (2) for licenses for protection of crops.

"(c) the number of applications for renewal still pending for enquiry and orders—

- (1) for licenses for shooting ;
- (2) for licenses for protection of crops.

"(d) the number of applications for renewal returned to the applicants in December 1917 and January 1918 for being presented by the applicants personally.

"(e) the number of guns forfeited to Government by reason of the licenses not being renewed for the year 1918, and number of guns deposited in the Thanas or Malkhanas of Government during the month of January 1918, by persons whose licenses have expired on 31st December 1917 and not renewed for 1918?"

The Hon'ble Mr. Thompson replied :—

"The statement* asked for is laid on the table."

[Rai Bahadur Bakhshi Sohan Lal ; Mr. Thompson ; Mr. Maynard.]

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

Reduction of
licenses for
arms in
Kangra
District.

11. " Will the Government be pleased to state whether it is correct that the gradual reduction of the number of licenses of fire-arms during the last 12 years in Kangra District has had the effect of gradually increasing the number of wild animals which destroy crops and agricultural cattle, and thus render the profession of agriculture in Kangra District more difficult and less profitable than in the plains which are comparatively free from the ravages of wild animals ? "

The Hon'ble Mr. Thompson replied :—

" The Hon'ble Member asks whether the gradual reduction of the number of licenses for the arms during the last 12 years in the Kangra District has had the effect of gradually increasing the number of wild animals.

" As the figures given in reply to question No. 20 show that the Hon'ble Member's assumption of a gradual reduction in the number of licenses extending over 12 years is without foundation, it is unnecessary to answer the question."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

Agricultural
decline in
Nurpur Tahsil
of Kangra
District.

22. " Will the Government be pleased to state whether it is correct that the rural population, the cultivated area, and the number of agricultural cattle, have been gradually decreasing in Tahsil Nurpur of Kangra District ? "

The Hon'ble Mr. Maynard replied :—

" The rural population of Nurpur Tahsil showed an apparent decrease of 15 per cent. between 1868 and 1891. Since the latter year the decrease has continued but at a much slower rate, the figures for 1911 showing a decrease of four per cent. on the figures for 1891. Emigration for private and for military service which is a very common practice in the Kangra District generally, accounts at all events in part for the apparent diminution of the population since 1868. Cultivated area decreased from 115,000 acres in 1868 to 108,000 acres in 1891 and to 104,000 acres in 1917. The latter figure is based on the Settlement measurements of 1891. The results by the measurements of the Settlement now in progress are not yet available. Agricultural cattle have not decreased in numbers since 1868. On the contrary, available figures show that the numbers of cattle in the tahsil have considerably increased. In the earlier settlements buffaloes and young stock are not differentiated from cattle generally."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

23. " Will the Government be pleased to lay on the table—

" (a) a statement giving the figures for 1855, 1868, 1891, 1901, 1901 and 1911, of the population of Tahsil Nurpur ;

" (b) a statement of the cultivated area in the Settlements of 1852, 1868, 1891 and 1917 of Tahsil Nurpur ;

" (c) a statement of the number of agricultural cattle, i. e. cows, buffaloes and bullocks in the above mentioned settlements of Tahsil Nurpur ? "

The Hon'ble Mr. Maynard replied :—

" A statement showing the figures asked for by the Hon'ble Member, so far as they are available, has been laid on the table."

[*Zai Bahadur Bakhshi Sohan Lal ; Mr. Maynard ; Mr. Townsend.*]

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

24. "With reference to the material conditions of the rural population ^{The same.} of Nurpur Tahsil in Kangra District, will the Government be pleased to state whether there is any proposal under consideration of the Government to make a thorough enquiry as to—

"(a) the real causes of such continuous and gradual decay of prosperity of the rural classes in Tahsil Nurpur ;

"(b) the measures to be adopted to make agriculture more profitable and attractive in Tahsil Nurpur ;

"(c) the steps to be taken to improve the material conditions of the people of Tahsil Nurpur ?"

The Hon'ble Mr. Maynard replied :—

"The question is being examined to see whether further enquiry is needed on the lines suggested by the Hon'ble Member."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

25. "Will the Government be pleased to state the localities of farms in the Punjab maintained by the Government or by the local bodies—

^{Breeding farms in the Punjab.}

"(a) for breeding and grazing of agricultural and milch cattle such as cows, bullocks and buffaloes ;

"(b) for breeding and grazing of horses, mules and camels ?"

The Hon'ble Mr. Townsend replied :—

"(a) There is only one cattle-breeding farm in the province, that at Hissar, which falls within the definition used by the Hon'ble Member. It is maintained by Government.

"Six cattle-breeding grants of various sizes with a total area of 15,797 acres have been recently given by Government to Indian gentlemen on various conditions in the Lower Bari Doab Colony to encourage the best breeds of milch and plough cattle, but they are not, strictly speaking, maintained either by Government or a local body. No local body in this province maintains a cattle farm.

"(b) A modest scheme for breeding Arab stallions on a limited scale at the Hissar Farm has recently been sanctioned by Government. Apart from it, neither Government nor any local body has any horse-breeding farm in this province, if the farms maintained by the Remount Department for this purpose at Mona and Sargodha, the horse runs granted to various Sildadar Cavalry Regiments, and the two grants on the Lower Bari Doab Canals to retired officers of the Indian Cavalry are left out of consideration : I assume the Hon'ble Member does not refer to them."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

26. "Will the Government be pleased to state whether there is any proposal under its consideration to add—

^{Cattle-breeding farms.}

"(a) to the existing farms for breeding and grazing of agricultural and milch cattle in the Punjab,

"(b) to grant land or cash subsidies to private individuals or societies to encourage the breeding and grazing of agricultural and milch cattle in the Punjab ?"

[*Mr. Townsend ; Rai Bahadur Ram Saran Das ; Mr. Craik ;
Mr. Thompson.*]

The Hon'ble Mr. Townsend replied :—

"The reply is in the negative to both parts of the question.

"Government has in recent years done much to encourage cattle-breeding by the provision at concession rates from the Hissar Farra of numerous bulls to District Boards, and by the six grants of land on special conditions to individuals referred to in my answer to the previous question. These operations are undoubtedly doing much to improve the quality of agricultural stock in the province."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

27. "Will the Government kindly state whether in view of the great rise in prices for fuel, the Government has under contemplation reduction in prices charged by Forest Department for wood fuel removed by consumers and purchasers?"

The Hon'ble Mr. Craik replied :—

"I presume the Hon'ble Member refers to firewood extracted by departmental agency for sale to the public as in Changa Manga. Such wood is sold by auction in lots to the highest bidder, and the Forest Department is at present supplying wood to Municipal Committees from this stock. The wood is being supplied to the Municipal Committees at Rs. 23 per 1,000 c.ft. stacked. The average expenditure, exclusive of establishment charges and royalty incurred by the Forest Department in supplying this wood, has been Rs. 17-3-0 per 1,000 c.ft. and the average rate of this wood realised at auctions held during the last 3 years has been Rs. 26-2-8. The price realised at the last auction held before commencing to supply Municipal Committees was Rs. 35 per 1,000 c.ft. stacked. The concession now being made by the Forest Department to Municipal Committees is therefore very considerable and has been sanctioned by Government in order to relieve the situation. The present high price of fuel in Lahore is due mainly to the shortage of railway transport. Fuel traders have been able during the last 2 months to rail practically no fuel from Changa Manga to Lahore and at the present moment the Changa Manga depot contains 500,000 c.ft. stacked (or 3,500 tons) fuel which has been sold to Lahore fuel traders, but which they cannot rail into Lahore."

Supplementary question by the Hon'ble Rai Bahadur Ram Saran Das :—

"YOUR HONOUR,—I beg to ask a supplementary question to question No. 27.

"Could not the Government draw the attention of the Railway authorities to the necessity for providing trucks for the purpose?"

The Hon'ble Mr. Craik :—

"The attention of the Railway authorities has already been drawn to the matter, and the Railway authorities have agreed to supply a certain number of trucks per week for ralling fuel purchased by the Municipality of Lahore and also I think of Amritsar."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

28. "Is it a fact that in the Kangra District the number of Shikari licenses during the current year are considerably less than they were in the previous years?"

The Hon'ble Mr. Thompson replied :—

"The figures given in reply to question No. 20 supply the answer, as far as it is possible to give one. It is understood that applications for renewal are still coming in."

Reduction
in the price of
firewood.

Supply of
trucks for
ralling fire-
wood.

Shikari li-
censes in
Kangra.

[Rai Bahadur Ram Saran Das ; Mr. Lumsden.]

The Hon'ble Rai Bahadur Ram Saran Das asked :—

29. " In view of the great rise in prices of almost all commodities, will the Government kindly state whether it is under contemplation to move the Government of India for the grant of War allowance to low-paid servants of the Crown during the pendency of the war ? "

War allow-
ance to low-
paid Govern-
ment servants;

The Hon'ble Mr. Lumsden replied :—

" No such proposal is contemplated at present. I would point out, however, firstly, that grain compensation allowance has been sanctioned which helps to compensate low-paid officials for the rise in the price of foodstuffs and, secondly, that provision has been made in the budget for next year for large recurring expenditure on increasing the pay of various establishments in which the scale of pay is not commensurate with the increased cost of living. The more important of these schemes are as follows :—

	Cost during 1918-19	Ultimate recurring
	(estimated).	cost (estimated).
	Rs.	Rs.
1. Re-organisation of district office establishments in accordance with the report of the Clerical Establishments Committee.	1,00,000	1,60,000
2. Increase in the pay of Chhapris and low-paid menials ...	1,00,000	1,20,000
3. Revision of the Chief Court establishment	12,815	13,980
4. Revision of the process-serving establishment	35,000	60,000
5. Increase of pay of warder guard	19,668	19,668
6. Revision of establishment of Buildings and Roads Branch, Secretariat.	12,500	12,500

In view of the necessity for exercising the strictest economy in War time it was previously intended to postpone all these schemes till the return of normal financial conditions and it is only owing to the considerable rise in prices of commodities to which the Hon'ble Member has alluded that Government deemed it advisable to reconsider the position. In addition to this the Hon'ble Member is of course aware that the pay of the Police was raised recently. I would also refer him to the replies given by the Hon'ble Mr. Thompson and myself to the questions on the subject asked by him at the last meeting."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

30. " (a) In view of the fact that all low-paid servants of the Crown have only wheat as their staple food, will the Government kindly consider whether it is not desirable to withdraw the orders of 1915 on grain compensation allowance which restricted the calculation of such allowances by taking into consideration the average prices of several grains in place of only one grain—wheat ?

Withdrawal
of orders of
1915 re grain
compensation
allowance.

" (b) Will the Government kindly state whether it is not desirable to order in future the calculation of grain compensation allowance on the average prices of wheat alone ? "

The Hon'ble Mr. Lumsden replied :—

" (a) and (b) The Hon'ble Member appears to have misunderstood the press *communiqué* issued by Government on the subject of these allowances to which I invited his attention in my reply to a question he put at the last

[Rai Bahadur Ram Saran Das ; Mr. Lumsden.]

meeting. The orders of 1915 did not necessarily restrict the allowances admissible. In some cases in fact they had the effect of giving more liberal allowances than would have been granted in accordance with the old rules.

"The Hon'ble Member wrongly assumes that previous to 1915 the price of wheat only was taken into consideration. This, as was explained in the press *communiqué* was not the case. Thus, in the district of Hissar the staple food grain all the year round was gram. In Ambala it was gram for six months in the year and maize for the other six. In Hoshiarpur it was wheat for six months and maize for six months, and so on. Under the system at present in force if the price of wheat in any district goes very high the average price on which the grant of the allowance depends is affected by it whatever the time of year may be. Under the old system this was not the case. For example in the district of Gurgaon bajra was prescribed as the staple food for the months of November, December, January and February. In the financial year 1914-15 the price of wheat during these very months reached a very high level rising in February 1915 to Rs. 5-14-9 per maund at Lahore. During those four months the old system did not help the officials at all, except when the price of bajra was also dearer than 12 seers to the rupee. Again in Karnal the staple grain for December under the old system was jowar. During the last fortnight of December 1917 the price stood at 14 seers to the rupee, so that no allowance would have been admissible. Under the existing system the average price worked out at 11 seers 4 chatak per rupee so that officials in that district were able to claim the benefit of the allowance.

"The Hon'ble Member also seems to be incorrect in assuming that all low paid servants of the Crown use only wheat as their staple food. It is true that many clerks, especially in the large towns, prefer wheat, but in the rural tracts it is understood that other grains are largely consumed, and in times of scarcity substitution is not only possible but desirable.

"The whole question of grain compensation allowances was considered very carefully in 1915 when the orders to which the Hon'ble Member refers were issued, and Government is not disposed to alter the system at present. The proposal to base the calculations on the average price of wheat alone would, during these years of abnormally high prices of wheat, not only be very expensive but would, as has already been explained, go far beyond the original intention of these allowances which were designed to relieve real distress, not to cater for the individual tastes of those who do not come within the category of the very poor. The system would also work inequitably because in districts where the grain ordinarily consumed was other than wheat no relief could be given, however high the price of that particular grain might be, unless the price of wheat which they did not use also rose above the 12-seers limit."

Supplementary question by the Hon'ble Rai Bahadur Ram Saran Das :—

"YOUR HONOUR,—I beg to ask a supplementary question to question No. 30.

"Will the Government in order to remove misunderstanding in the public mind, kindly publish all the previous and recent orders on the subject.?"

The Hon'ble Mr. Lumsden :—

"If the Hon'ble Member will explain what further information beyond that contained in the press *communiqué* is required, I shall endeavour to comply with his wishes. I do not see what further information is required. Does he wish an explanation of the old system?"

[Rai Bahadur Ram Saran Das ; Mr. Lumsden ; His Honour the President.]

The Hon'ble Rai Bahadur Ram Saran Das :—

" Yes, I wish that both the systems be explained, so that the misunderstanding in the public mind may be removed."

The Hon'ble Mr. Lumsden :—

" The system has been explained in the *communiqué* which has been published. I presume the Hon'ble Member has read it."

His Honour the President :—

" Perhaps the Hon'ble Member will put a question at the next meeting."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

31 " In view of the fact that expenditure on primary education is attracting considerable attention among Indians, will the Government kindly state whether it is not desirable to show such expenditure separately in the Annual Financial Statement and not as is at present done under Grants-in-aid or Schools—General ? "

Separate column of expenditure on primary education in the Annual Financial Statement.

The Hon'ble Mr. Lumsden replied :—

" The question of the classification of expenditure on education is one which affects not only this Province, but the whole of India, and the sanction of the Comptroller and Auditor-General is necessary to any change in the arrangement of heads prescribed by the Government of India. Recently we addressed that Government on the subject of the classification of grants-in-aid for education and their reply is awaited. I would point out, however, that full details of such expenditure will be found in the statements appended to the Education Report. If after perusing the statements the Hon'ble Member is still of opinion that more elaborate information should be supplied by Government I will be glad to consider any detailed proposals he may care to submit in this connection."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

32. " In view of the fact that the new scheme of fixed consolidated grants which is designed to be a further step in Local Self-Government, will the Government kindly state whether it is not desirable for the information of the people to show these consolidated grants under a separate sub-head of head 32 in the Annual Financial Statement and not as is at present done under the sub-head contributions ? "

Showing of the fixed consolidated grants under a separate sub-head of head 32.

The Hon'ble Mr. Lumsden replied :—

" As I explained to the Hon'ble Member in answer to two series of questions put by him at the last two meetings, these consolidated grants are fixed for five years. A Resolution which the Hon'ble Member has doubtless seen, has since been published in the *Government Gazette* giving full details of the grants and as it is intended that these details should hold good till the end of the five yearly period, the recording of the expenditure under a separate detailed head of the budget will not make the information any more widely known to the public at large."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

33. " Will the Government kindly state approximately to what extent there is likely to be, during the current year, a saving in the amount of expenditure budgetted last March ? "

Saving in the amount of budgetted expenditure.

The Hon'ble Mr. Lumsden replied :—

" The estimates contained in the first edition of the budget and approved by the Government of India show a saving in the amount of expenditure

[*Rai Bahadur Ram Saran Das ; Mr. Lumsden ; His Honour the President.*]

budgetted last March of Rs. 33,61,000. This figure is of course subject to alteration in the light of later information as regards actuals."

Supplementary question by the Hon'ble Rai Bahadur Ram Saran Das :—

"YOUR HONOUR,—I beg to ask a supplementary question on question No. 33.

Recent estimates of the savings.

"I would like to know the most recent estimates of such savings."

The Hon'ble Mr. Lumsden :—

"I am afraid I cannot answer that question. The second edition went up to the Government of India only yesterday and the Government of India orders have not been received upon it yet."

The Hon'ble Rai Bahadur Ram Saran Das :—

The same.

"I want the figures which you have given to the Government of India."

The Hon'ble Mr. Lumsden :—

"We cannot give any figures until approved by the Government of India. It is only when the Government of India have approved of them that they will be published."

His Honour the President :—

"It is not possible to give the figures of the second edition until sanctioned by the Government of India, as the Government of India exercise revisional powers."

The Hon'ble Raj Bahadur Lala Ram Saran Das asked :—

Publication of a Review of the Accounts of the Province.

34. "With a view to give greater information to the people on the financial condition of the province, will the Government be pleased to state whether it is not desirable to publish in future every year a review on the accounts of the Province as soon as they are available to the Government?"

The Hon'ble Mr. Lumsden, replied :—

"As the Hon'ble Member is doubtless aware, Government publishes the final accounts of each year in the *Gazette*. A short review of this is contained in the Administration Report which cannot, however, be published till several months after the close of the financial year. Detailed information, however, of the income and expenditure of each financial year as far as it can be estimated by the end of January is supplied in the Memorandum presented to Council by the Finance Member. This Memorandum already explains all important variations between the revised estimates and the budget estimates for the year, and as the figures for the former are based on the ten months' actuals it would only be in the rare cases in which the actuals of the last two months had falsified anticipations that a review such as that suggested by the Hon'ble Member would contain any new information. Moreover, any such review could only be issued some months after the close of the financial year to which it related, and must, therefore, necessarily lose a great deal of the interest which it is to be hoped at present attaches to the Memorandum.

"Apparently the Government of India publish no such review, but if there is any general desire on the part of Hon'ble Members that this should be done in addition to the publication of the Memorandum, Government will be prepared to consider the matter, and I would be glad to receive specific proposals from the Hon'ble Member as to the form which in his opinion the review should take."

Supplementary question by the Hon'ble Rai Bahadur Ram Saran Das :—

The same.

"I beg to ask a supplementary question to question No. 34.

[*Mr. Lumsden; Rai Bahadur Ram Saran Das; Mr. Townsend.*]

" Will the Government kindly state whether it would not be desirable to issue a Punjab Review on the accounts in the same form as is issued by the United Provinces Government? "

The Hon'ble Mr. Lumsden :—

" The suggestion will be considered. "

The Hon'ble Rai Bahadur Ram Saran Das asked :—

35. " Will the Government kindly state what action, if any, has been taken by the Provincial Government on the Government of India Resolution on local self-Government, issued by them a couple of years ago? Has the said Resolution been circulated for opinion to the local bodies and the general public, if so, with what results? "

Government of India Resolution on local self-Government.

The Hon'ble Mr. Lumsden replied :—

" I would refer the Hon'ble Member to the answer given to a similar question put by the Hon'ble Rai Bahadur Hari Chand at the meeting of Council held on the 25th September 1915. Copies of the Resolution were forwarded to all local bodies and the Resolution was published in the *Punjab Gazette*, dated the 7th May 1915.

" I may add that a reference has recently been made by this Government with a view to extending, if practicable, the elective system in municipalities and district boards and to reducing the official elements on district boards. The replies to this reference are at present under consideration. "

The Hon'ble Rai Bahadur Ram Saran Das asked :—

36. " Will the Government kindly state how far the experiments of instituting local boards for each tahsil have succeeded in the Punjab If there has been very little success, how far is it due to lack of resources at the disposal of these local bodies and to financial restrictions placed upon them? "

Local Boards in the Punjab.

The Hon'ble Mr. Lumsden replied :—

" Local boards have not proved a success in the Punjab. Such boards were constituted in 19 districts, but survive only in 2, and in the case of one of the latter proposals for abolition are under consideration.

" The failure appears to be due to various factors and it would not be safe to assume that financial restrictions were the main reason of the non-success though no doubt the lack of resources contributed to the result. For the present Government considers that local self-Government will be best promoted by strengthening the financial position and stimulating the initiation of district boards rather than by endeavouring to revive the local boards. "

The Hon'ble Rai Bahadur Ram Saran Das asked :—

37. " Will the Government kindly furnish, for the information of this Council, a statement showing, during each of the past five years, the expenditure on the encouragement of industries, together with the amount spent on each industry thus encouraged? "

Expenditure on industries.

The Hon'ble Mr. Townsend replied :—

" A statement giving the information asked for is laid on the table. " *

[*Rai Bahadur Ram Saran Das ; Mr. Lumsden ; Mr. Richey.*]

The Hon'ble Rai Bahadur Ram Saran Das asked :—

Utilisation of
Imperial and
Provincial
Grants for
Sanitary pur-
poses.

38. “ (a) Will the Government kindly state to what extent have Sanitary services been improved out of the Imperial recurring grants of Rs. 22,000 a year? The way in, and the extent to, which this grant has been utilised may kindly be explained.

“ (b) Will the Government be kindly pleased to inform this Council to what extent have grants to local bodies for sanitary purposes been given out of Imperial grants and to what extent have these grants been fully absorbed?

“ (c) Will the Government kindly state to what extent have grants given by Provincial Governments to local bodies for sanitary purposes been made out of Provincial revenues during each of the last ten years?

“ (d) Will the Government kindly state whether during these years grants to local bodies have been made for rural sanitation on what objects of rural sanitation have these grants been spent? ”

The Hon'ble Mr. Lumsden replied :—

“ I regret that it has not been possible to obtain the information required by the Hon'ble Member in the time allowed, but I hope to be able to do so before the next Council meeting.”

The Hon'ble Rai Bahadur Ram Saran Das asked :—

Extension of
Primary edu-
cation.

39. “ Will the Government be pleased to state how many new Primary Schools they proposed to open every year in the Province and what financial arrangements are being made to ensure a regular expansion and development of primary education in rural areas? ”

The Hon'ble Mr. Richey replied :—

“ Inspectors of Schools are at present busy preparing five-years programmes for the expansion of primary education for consideration by District Boards. Until these programmes are completed, it is impossible to estimate the number of schools that will be opened annually, and to assess the amount of aid from provincial revenues which will be needed to carry them out.

“ Meanwhile the Local Government has provisionally included an extra provision of one lakh for this purpose in next year's Budget. ”

The Hon'ble Rai Bahadur Ram Saran Das asked :—

Construction
of village
schools.

40. “ Will the Government kindly state what amount they propose to place at the disposal of District Boards for the construction of village schools during the next year? What amount has actually been spent during the current year for the same purpose? ”

The Hon'ble Mr. Richey replied :—

“ A special credit of one lakh has been provided in next year's budget for contribution to District Boards for educational buildings. No funds for such a contribution were provided in the current year's Budget, but a sum of Rs. 15,000 was actually spent in this way, this amount being found by reappropriation from other heads. ”

The Hon'ble Rai Bahadur Ram Saran Das asked :—

Publication
of papers
laid on table.

41. “ Is the Government aware that the report of the Educational Conference recently held for the distribution of educational grants to District Boards asked for by me in the last Council meeting and promised to be laid on the table by Government has not been published in Part V of the Gazette along with the answers to questions put in the Council and published therein? ”

[*Mr. Richey; Rai Bahadur Lala Ram Saran Das; Mr. Maynard;*
Rai Bahadur Chaudhri Lal Chand.]

The Hon'ble Mr. Richey replied :—

"The Hon'ble Member is referred to the note which is attached to the agenda of to-day's meeting with regard to the procedure followed in laying papers on the table."

The Hon'ble Rai Bahadur Lala Ram Saran Das asked :—

42. "Will the Government kindly state how many acres of land they have actually allotted for grazing purposes in the new colonies during the last ten years? It may also be stated what proportion does this grazing area form of lands allotted for cultivation?"

Allotment of
land for graz-
ing purposes.

The Hon'ble Mr. Maynard replied :—

"Generally speaking ten per cent. of the area allotted to all classes, except hereditary landed gentry, has been, in the three recent colonies of the Upper Jhelum, the Upper Chenab, and the Lower Bari Doab Canals, reserved in the colonization schemes for grazing land. Colonization operations are not finally closed in any of these colonies, and the actual area which is retained for grazing purposes is therefore not ascertainable. There is, however, no intention of departing from the general proportion above mentioned. Auction purchasers are not bound to reserve for grazing any part of the land which they buy."

The Hon'ble Rai Bahadur Chaudhri Lal Chand asked :—

43. "Will the Government be pleased to lay on the table information asked for in my question 110 asked by me in the meeting of this Council held on the 6th November 1917?"

Grants of
squares by
Government.

"I may explain that I used the word 'Yeomanry' in the sense in which it was used by His Excellency the Viceroy in his Darbar speech at Lahore in April 1917.

"To make my meaning clear still I may say that I mean by 'Yeomanry' the class of small land-owners who will not be eligible for what are known as 'Landed Gentry' grants."

The Hon'ble Mr. Maynard replied :—

"A statement showing by districts the area granted during the last five years to—

- (b) retired Indian Military Officers ;
- (c) members of the gentry ;
- (d) peasants ;

is placed on the table.*

As regards (a), Retired Indian officers, the information required is not at present available ; it will be supplied at the next meeting."

The Hon'ble Rai Bahadur Chaudhri Lal Chand asked :—

44. "(a) What are the rules regulating the emoluments of Zaildars ?

Emoluments
of Zaildars.

"(b) Do the emoluments of the Zaildars bear any proportion to the land revenue of the district ?

"(c) Has the new system of payment adopted in the case of Zaildars resulted in any saving to the Government ? If so, what is the amount of annual saving in the Province ?

[*Mr. Maynard ; Rai Bahadur Chaudhri Lal Chand ; Mr. Thompson.*]

"(d) In view of the heavy increase in the work demanded of Zaildars, will the Government be pleased to consider the advisability of increasing the emoluments of Zaildars ?"

The Honble Mr. Maynard replied :—

"(a) In nearly all districts of the Province, Zaildars are arranged in three grades to each of which a definite rate of annual inam or emolument is assigned. The emoluments are paid out of land revenue assessed and their total amount for each district is limited to one per cent. of the land revenue. In the few districts where the graded system has not been adopted as yet each Zaildar receives an inam limited to one per cent. on the land revenue of his zail. Zaildars are appointed and promoted or reduced from one grade to another by the Collector in accordance with the provisions of Land Revenue Rules 12 and 13.

"(b) Under Land Revenue Rule 3 the amount of the remuneration of the Zaildars of a district may ordinarily amount to, but must not exceed, 1 per cent. of the land revenue of the district.

"(c) By the new system of payment of Zaildars it is understood that the Hon'ble Member refers to the graded system though in reality the system is by no means new, as it has been under gradual introduction for the last 20 years. Its adoption has resulted in no appreciable saving to Government.

"(d) Government does not consider that the emoluments of Zaildars are inadequate and that it is necessary to increase them; more especially as they increase automatically if and when the land revenue assessment is enhanced."

The Hon'ble Rai Bahadur Chaudhri Lal Chand asked :—

45. "Having regard to the splendid response made by Hindu and Sikh zamindars to the call for men in the present War as well as to their services in the past and considering their present (inadequate) representation in the public services of the Province as disclosed by the answers to my questions Nos. 20, 22, 23 and 78, and 113, 114, 117, 125 asked in the meetings of the Council held on 13th March 1917, 2nd September 1916, and 6th November 1917, respectively, will the Government be pleased to take effective steps to employ them in larger numbers than at present?"

The Hon'ble Mr. Thompson replied :—

"Government is considering the question of appointing a small committee of officials and non-officials to go into the question of the representation of zamindars in the public services of the Province before the hot weather."

The Hon'ble Chaudhri Lal Chand asked :—

46. "(a) Is the Government aware that the timings of the Southern Punjab Railway and the Delhi-Umbala Kalka Railway are so arranged that travelling between Rohtak and Karnal, the judicial head-quarters of Rohtak, as also between Rohtak and village of Sonepat Tahsil in the District of Rohtak, causes a great deal of inconvenience to the litigant public ?

"(b) Is the Government aware that no train leaves Delhi for Rohtak between 6 A.M. and 4-50 P.M. and no train leaves Rohtak for Delhi between 7-15 A.M. and 9 P.M. and the travelling public of the Rohtak District suffers great inconvenience by the absence of any train either way during practically the whole period between sunrise and sunset ?

"(c) Having regard to the facts disclosed above, will the Government be pleased to secure additional service of local trains both ways between

Representa-
tion of zamindars in the
Public Services of the
Province.

Timings of
Railways
between
Rohtak and
Karnal.

[Mr. Thompson; Rai Bahadur Chaudhri Lal Chand; Mr. Craik.]

Delhi and Jind or to secure the alteration of present timings so as to ensure proper connection between the train services of the Southern-Punjab Railway and Delhi-Umbala-Kalka Railway as well as a more convenient service of trains during the day between Delhi and Rohtak ? ”

The Hon'ble Mr. Thompson replied :—

“ The position as set forth in the Hon'ble Member's question has been brought to the notice of the Railway authorities.”

The Hon'ble Rai Bahadur Chaudhri Lal Chand asked :—

47. “ With reference to my question No. 78 asked at the meeting of this Council held on the 2nd September 1916 and the hopes held out by the Inspector-General of Police regarding the employment of Hindu Jats, will the Government be pleased to state how many, if any, Hindu Jats have been accepted as Inspector candidates since ? ”

Acceptance of Hindu Jats as Inspectors of Police.

“ If no such candidates have been accepted so far, is the Government prepared to accept any now ? ”

The Hon'ble Mr. Craik replied :—

“ Since September 1916 only six candidates have been accepted for direct appointment as Inspectors of Police. None of these are Hindu Jats.

“ The Inspector-General is always prepared to consider the claims of any Hindu Jat candidates who have the necessary qualifications.”

The Hon'ble Rai Bahadur Chaudhri Lal Chand asked :—

48. “ (a) Will the Government be pleased to state the total number of sessions cases, civil appeals and criminal appeals, separately, from the Rohtak and Karnal Districts, respectively, heard and decided by the court of the District and Sessions Judge at Karnal or transferred from that court to Ambala, Delhi or Hissar for disposal since July 1914 ? ”

Hearing of Rohtak cases at Rohtak by Sessions Judge of Karnal.

“ (b) What is the number of civil and criminal appeals from Rohtak and Karnal Districts, respectively, now pending in the court of the District and Sessions Judge at Karnal ? ”

“ (c) In view of the heavy work from Rohtak and the additional expense and inconvenience borne by the Rohtak litigant public, will the Government be pleased to advise the District and Sessions Judge of Karnal to stay for two weeks in the month at Rohtak to hear and decide cases from Rohtak ? ”

The Hon'ble Mr. Craik replied :—

“ (a) and (b) Statements furnishing the particulars asked for are laid on the table.* ”

“ (c) The District and Sessions Judge already spends one week in every month at Rohtak for the disposal of Sessions cases and criminal appeals and it is contemplated increasing this period to ten days. Arrangements are being made to receive civil appeals and miscellaneous applications whilst there, and to dispose of as many civil appeals below Rs. 1,000 in value as possible. This should do much to mitigate the inconvenience complained of.”

The Hon'ble Rai Bahadur Chaudhri Lal Chand asked :—

49. “ (a) Will the Government be pleased to state the total amount for the recovery of which suits have been filed in the various civil courts in the Rohtak District in 1912, 1913, 1914, 1915, 1916 and 1917 ? ”

Amount involved in suits filed in Rohtak District from 1912 to 1917.

“ (b) What is the total number of such suits and how many of them have been decreed in each of the years mentioned in (a) ? ”

“ (c) What was the total amount of interest claimed in these suits ? ”

[Mr. Craik ; Rai Bahadur Chaudhri Lal Chand ; Mr. Townsend.]

The Hon'ble Mr. Craik replied :—

“(a) and (b) Statements are laid on the table.*

“(c) Information in regard to the number of suits decreed and the amount of interest claimed is not available. Its collection would necessitate the examination of the records of each case.”

The Hon'ble Rai Bahadur Chaudhri Lal Chand asked :—

50. (a) Will the Government be pleased to state the area under cotton crop in the Hansi Farm last kharif and the produce thereof?

(b) What would have been the produce of this area if the crop had not been damaged by excessive and late rains?

(c) What is the official view of the Agricultural Department about the produce of the cotton last kharif in the South-East Punjab?

(d) What was the total area under cotton crop on the Western Jumna Canal last kharif? What is the full amount of water rate chargeable on this area and what is the total amount of the remission granted?

The Hon'ble Mr. Townsend replied :—

(a) The total area under cotton at the Hansi Farm last kharif was 40 acres, and the total produce 76½ maunds of unginned cotton.

(b) What would have been the outturn on this area had the excessive and late rains in question not fallen can, of course, only, be a matter of opinion. On the rates of outturn assumed at settlement, which may be taken as fair average, it would have been 220 maunds. The value of the 76½ maunds at this year's prices was Rs. 1,100, the value of 220 maunds according to prices assumed at settlement would be Rs. 960.

(c) What the Hon'ble Member exactly means by the words 'official view' in this part of the question is not understood. The officers of the Agricultural Department have not submitted any official report on the recent cotton crop in the South-East Punjab.

“The crop was certainly much below the average in outturn, but as appears from the answer to part (b) and as was stated at the November meeting of Council the paucity of outturn was largely made good by the unusually high prices.

(d) The total area under cotton on the Western Jumna Canal in the South-East Punjab last kharif was 148,478 acres, the full amount of water rate chargeable on which was, at Rs. 4 an acre, Rs. 5,93,912 ; remissions totalling Rs. 1,06,332 were given. In this connection the exceedingly high prices at which cotton is selling must again be borne in mind.

“There were, in addition to the area mentioned above, 37,197 acres under cotton last kharif on the Western Jumna Canal in the Patiala and Jind States. They control their own remissions.”

The Hon'ble Rai Bahadur Chaudhri Lal Chand asked :—

51 (a) What further steps, if any, does the Government propose to take with regard to the question of remission of water-rate chargeable on the area under cotton crop in the south-east Punjab as suggested in question 131 asked on the 6th November 1917?

Remission of water rate on the area under cotton crop.

[*Rai Bahadur Chaudhri Lal Chand ; Mr. Holms.*]

"(b) Has any enquiry been held by the Irrigation Department in the matter since then? If so, were the Deputy Commissioners of the districts concerned and the officers of the Agricultural Department consulted and what are their views?"

"(c) Were any non-officials and zamindars of the parts affected consulted, and, if so, what were their views?"

The Hon'ble Mr. Holms replied:—

"(a) Enquiries from the four Executive Engineers on the Western Jumna Canal were made, and they all reported that the state of the cotton crop was not such as to justify a general total or half remission on any one distributary, as the condition of the crop varied so much from field to field. Where the sowing had been early or on the higher land there was a fair outturn from the pickings in September and October.

"The circumstances being peculiar, it was decided, after consultation with the Commissioner and Financial Commissioner, that—

"(a) remissions should be given on application only;

"(b) all crops cut and removed before 15th October should receive full remission;

"(c) crops of less than $1\frac{1}{2}$ maunds estimated outturn per acre should have full remission; and

"(d) crops of more than $1\frac{1}{2}$ maunds and less than $2\frac{1}{2}$ maunds estimated outturn per acre should have half remission.

"The Superintending Engineer also ordered a considerable extension of the period within which applications for remission would ordinarily be enquired into.

"The price of cotton at last harvest, it may be noted, was between three and four times the commutation prices fixed at last settlement, so that these standards were decidedly favourable to the zamindar, who to balance his poor cotton crop did exceptionally well with his sugarcane, the excellence of which was most pronounced in those villages where the cotton was worst."

"(b) The principle governing remissions was fixed as above in consultation with the Commissioner and Financial Commissioner, and where possible the Deputy Commissioners and their revenue staff were consulted.

"Their opinions generally were in accord with those of the Irrigation Officers, that the cotton crop had been a poor one as to outturn, owing to heavy rainfall late in the season.

"The Agricultural Department has but a small staff in the districts affected, and it was impracticable, therefore, to consult that department in an emergency of this sort due to rainfall at the end of October.

"(c) In deciding individual cases of remission the zamindars, who are non-officials, were, no doubt, in accordance with the usual practice, given an opportunity of expressing their views as to outturn and their views varied with local conditions. Once the general principle had been decided upon as above explained on broad and equitable lines, all that was left was to apply it in individual cases in which application was made for remissions."

The Hon'ble Rai Bahadur Chaudhri Lal Chand asked:—

52. "In view of the increasing demand for higher education, will the Government be pleased to consider the advisability of establishing a Government College as soon as the finances of the province permit at some convenient centre in the South-Eastern Punjab?"

Opening
another Govt
college

[*Mr. Richey; Khan Bahadur Malik Muhammad Amin Khan; Mr. Craik; Mr. Thompson.*]

The Hon'ble Mr. Richey replied :—

"The Local Government has more than once signified its intention to consider the opening of a Government College when circumstances permit. Its location has not yet been determined."

The Hon'ble Khan Bahadur Malik Muhammad Amin Khan asked :—

53. "Will the Government be pleased to state—

"(a) the total strength of Public Prosecutors in this province,

"(b) how many of these belong to the Muhammadan community in general, and

"(c) to zamindar classes in particular."

Appointments
of Public
Prosecutors
held by
Muham-
madians.

The same.

54. "In view of the political importance of the Muhammadans and in recognition of the war services of Mussalman zamindars, will the Government be pleased to take into consideration the desirability of increasing their number in the appointments?"

The Hon'ble Mr. Craik replied :—

"I will answer these questions and No. 72 by the Hon'ble Sardar Bahadur Gajjan Singh together.

"The total number of appointments as Public Prosecutors is 25. Of these on 1st January 13 were held by Hindus, 10 by Muhammadans, 1 by a Sikh and 1 by a Christian.

"Of the total number of 25, 8 were held by members of agricultural tribes, 2 Hindus and 6 Muhammadans. In making appointments to this, as to other branches of the public service due regard is paid to the claims of the different communities. But in a service in which a high standard of professional skill is required, efficiency must be the first consideration.

"In this connection the following figures are of interest. Of 1,770 Advocates and pleaders in the Punjab, only 351 or 20 per cent. are Muhammadans whereas 40 per cent. of the Public Prosecutors are Muhammadans. Ten years ago there were 13 Public Prosecutors, of whom only 2 or 15 per cent. were Muhammadans. It is thus evident that the Muhammadan community has no just ground for complaint as to the proportion of these appointments that falls to its share."

The Hon'ble Khan Bahadur Malik Muhammad Amin Khan asked :—

Address by
the Anjuman-
i-Islamia to
the Secretary
of State.

55. "(a) Has attention of the Government been drawn to the two notes headed 'The Anjuman-i-Islamia and their address' published in the *Observer* of 24th November 1917 and 1st December 1917?"

"(b) Will the Government be pleased to state whether any address on behalf of the Anjuman-i-Islamia, Punjab, was submitted to Government for presentation by a deputation of the said Anjuman to the Right Honourable Edwin Samuel Montagu, His Majesty's Principal Secretary of State for India?"

"(c) If so, will the Government kindly state the circumstances under which the address could not be presented to the Secretary of State by the deputation of the Anjuman concerned?"

The Hon'ble Mr. Thompson replied :—

"An address was submitted by the Anjuman in question.

"The time at the disposal of His Excellency the Viceroy and the Right Hon'ble the Secretary of State was limited, and it was not possible to recommend that every society which applied should be given the honour of sending a deputation.

[*Mr. Thompson ; Khan Bahadur Malik Muhammad Amin Khan.*]

"The address which the Anjuman submitted was in the main identical with that submitted by certain other bodies such as the Provincial Conference and the Provincial Muslim League, and some of the most prominent members of the Anjuman were also connected with the Conference and the Provincial League. In these circumstances, the presentation of an address by the Anjuman would have involved unnecessary reduplication.

"The Lieutenant-Governor therefore while informing the Government of India of the purport of the address, did not think it necessary to recommend that it should be presented by a special deputation.

"I may add that of the 11 Punjab Associations which presented addresses, 5 were exclusively Muhammadan and 2 partly so."

The Hon'ble Khan Bahadur Malik Muhammad Amin Khan asked :—

Black-listing
of Indo-
English
journals.

56. (a) "Will the Government be pleased to state whether any of the following Indo-English journals in the Punjab—

(i) *The Observer ;*

(ii) *The Tribune ;*

(iii) *The Bulletin.*

are on the black-list, and, if so, since when ?

(b) "Will the Government kindly state for the information of this Council since when this system of black-listing has been introduced in the Punjab, on what principle, and in what cases it is enforced, and what special object does it intend to serve ?"

The Hon'ble Mr. Thompson replied :—

(a) & (b). "The attention of the Hon'ble Member is drawn to the answer given to the question asked on the same subject by the Hon'ble Khan Bahadur Mian Fazl-i-Hussain in the meeting of this Council on the 6th November last. As I said then, Government, like other advertisers, reserves to itself the right to send its work to such newspapers as it considers most suitable. In the exercise of this discretion Government advertisements are not now sent to certain newspapers among which those mentioned by the Hon'ble Member are included. This system was introduced in April 1913. The principle on which it is worked is the discretion of Government, which Government exercises, to the best of its ability, in what it believes to be the public interest."

The Hon'ble Khan Bahadur Malik Muhammad Amin Khan asked :—

57. "(a) Is it a fact that Assistant Engineers of the Public Works Department are exempted from the operations of the Indian Arms Act, whilst Indian Assistant Traffic Superintendents of the State Railways are required to secure a formal license for possession of arms ?

Exemption of
Assistant En-
gineers and
Indian Assis-
tant Traffic
Superinten-
dents of Rail-
ways from the
operation of
Indian Arms
Act.

"Will the Government please take into consideration the desirability of recommending to the Government of India a similar exemption in favour of the Assistant Traffic Superintendents of Railways ?"

The Hon'ble Mr. Thompson replied :—

"The answer to the first part of the question is in the affirmative. As to the second part, the whole question of revising the Schedule of the Arms Act is now under consideration."

[*Khan Bahadur Malik Muhammad Amin Khan ; Mr. Holms.*]

The Hon'ble Khan Bahadur Malik Muhammad Amin Khan asked :—

8. (a) " Will Government be pleased to lay on the table for information of the Council a list of the Zilladars and Overseers of the Irrigation Department who have completed their 10th year of permanent service showing their respective starting pay and present salary ?

(b) " Is it a fact that the promotion of the Zilladars is very slow as compared with that of the Overseers and Upper Subordinates of the same branch of service ?

(c) " If so, what are the reasons for this difference in the prospects of the two respective branches of the same department ?

(d) " If the answer to question 57 (a) is in affirmative, will the Government kindly take into consideration the responsible position and duties of the Zilladars, and arrange to reorganise their grades so as to equalise their prospects of promotion with those of Overseers ? "

The Hon'ble Mr. Holms replied :—

(a) " The list* asked for is placed on the table.

(b) and (c) " The duties and responsibilities of Zilladars can scarcely be compared with those of Overseers, who form the lowest class in the Upper Subordinate establishment, and who have to qualify for their profession by passing through a course of Engineering at a College and undergo practical training before appointment. The Zilladar will usually remain a Zilladar all his service unless he is selected for a Deputy Collectorship, whilst an Overseer of average merit rises in the ordinary course to Supervisor and the best men to Sub-Engineer's rank.

(d) " Owing to the difference in the numerical strength, starting pay and grading of the Zilladar and Upper Subordinate establishments, there is no basis for comparison as to the relative promotion of these two classes of establishment. "

The Hon'ble Khan Bahadur Malik Muhammad Amin Khan asked :—

59. (a) " Is it a fact that the Zilladars of the Irrigation Department are required to provide during their tours on duty, their own tent and camp equipage, whilst the Overseers of the Irrigation Department who received the same rate of travelling allowance are supplied with camp equipage and tents by Government ?

(b) " If so, will the Government be pleased to state the reason for such distinctive treatment of the two branches of the same service ?

(c) " Will the Government be pleased to exempt the Irrigation Zilladars from such heavy drain on their limited means and arrange to provide their tentage at the cost of Government ? "

The Hon'ble Mr. Holms replied :—

(a) " Upper Subordinates (including Overseers) are on a different scale from Zilladars for the consideration of conveyance allowances, the former receiving Rs. 30 and the latter Rs. 15 a month. Both, however, may receive an allowance of Re. 1-8-0 a day, but to obtain this the Zilladar must maintain a tent. Neither are provided with tents at Government expense.

[Mr. Holms; Diwan Bahadur Daulat Rai; Mr. Maynard.]

(b) "The travelling allowances of the two establishments were fixed by the Government of India, and probably the same considerations which led to the Upper Subordinate Establishment being better paid than the Zilladar establishment led to their travelling allowances also being more favourable.

(c) "The answer is in the negative. Part of the daily allowance of Rs. 1-8-0 is supposed to recoup the Zilladars for their expenditure in connection with tents, and Government is not prepared to undertake the purchase, and still less the maintenance, of tents for about two hundred Zilladars."

The Hon'ble Diwan Bahadur Daulat Rai asked :—

60. "Is the Government aware that plague has raged at Rawalpindi with varying severity since 1901, and that it was particularly bad last year?" Plague in Rawalpindi.

61. "Is it a fact that for the last few years plague was imported from Rawalpindi into many districts of the Punjab?" The same.

62. "Is it a fact that almost always plague started in Rawalpindi from a particular quarter of the city?" The same.

63. "If the answers to questions 60 and 61 are in the affirmative, then will the Government be pleased to state what measures it has taken, or contemplates taking, to eradicate this dangerous disease?" Measures to eradicate the same.

64. "If the answers to questions 60 and 61 are in the affirmative, will the Government be pleased to treat the subject from provincial point of view rather than the point of view of local interest, regard especially being had to the importance of the station as the most important military station in India, when providing funds for any scheme that the Government may have in view to eradicate the disease?" Provision of funds for eradication of the same.

The Hon'ble Colonel Hendley replied :—

"I will answer the next 5 questions together. Plague first appeared in Rawalpindi in the year 1903, when there were 943 deaths, the largest number from this disease that has occurred at any time in that city. In 1904 there were only 66 deaths, but since, excepting 1908 and 1909 when there were none, there have been no less than 200 to 300 each year, while in 1906, 1916 and 1917 they rose to between 500 and 600. Altogether there have been 4,381 deaths in the city, but as there were 41,075 in the district in the same period it cannot be said, when the greater proneness to infection in a city is taken into consideration, that it, as far as actual numbers go, suffered unduly in comparison."

"It is not therefore the actual amount of the mortality that has drawn attention to the appearance of plague in Rawalpindi, but the persistence of the infection that, except for the two years of 1907 and 1915, has culminated in outbreaks which have reached their height in the month of October, when the rest of the Punjab is wholly or comparatively free, at least in an epidemic form."

"This particularity of varying from the normal renders Rawalpindi a dangerous focus for the spread of the disease at a time when there is the greatest possibility for the province as a whole to get rid of it, and it is a fact that plague has been definitely introduced again and again into other towns and districts from this city and its vicinity before the usual time for the disease to occur in an epidemic form."

"It can be said with a fair approach to certainty that each time a fresh outbreak has occurred in Rawalpindi it has been traced to the large central rain Mandi. The popular opinion too is that this is the case."

[*Mr. Maynard ; Diwan Bahadur Daulat Rai ; Mr. Lumsden ; Mr. Richey ; Sayad Makhdum Rajan Shah.]*

" Government has given close attention to the admitted danger that Rawalpindi has become to the Province as a whole. In July last the Sanitary Commissioner and the Sanitary Commissioner to the Government of India met the Municipal Commissioners and the local authorities to discuss the questions involved with the result that certain recommendations were made which the Local Government has referred to the Municipal Committee. The municipality has not come to any definite decision on the subject of the changes suggested in the manner of storing grain, but it is understood it is engaged in remedying defects in sanitation brought to its notice by the Sanitary Commissioner. "

" The Government is fully alive to the importance of protecting Rawalpindi itself and through it the Province as a whole from the ravages of this disease and is prepared to consider applications from the municipality for financial help to carry out measures of an exceptional kind, at the same time it is aware that the difficulties experienced in this city are due more especially to the opposition of the people and more particularly of the owners of property and their tenants in the grain markets to the measures that have been proposed from time to time to try to stamp out the infection of this disease. "

The Hon'ble Diwan Bahadur Daulat Rai asked :—

Financial help to subordinate staff of municipalities owing to rise in prices.

65. " Will the Government be pleased to give such financial help to such of the municipalities in the Province as may be found in need of it with a view to enable them to give increased allowances to the subordinate staff of such municipalities, as the prices of almost all necessaries of life have gone up and in some cases over 100 per cent. ? "

The Hon'ble Mr. Lumsden replied :—

" The question of the grant of increased allowances by municipalities to their employés is essentially a matter within the discretion of these local bodies, and Government sees no reason to interfere either by the offer of special financial assistance or otherwise.

" I may add that no application for financial assistance has been received from any municipality in this Province. "

The Hon'ble Diwan Bahadur Daulat Rai asked :—

Boy-scout movement in the Punjab schools.

66. " Will the Government be pleased to state in what schools in the Punjab the boy-scout movement has been started, and, if so, when, and with what results ? "

67. " Will the Government be pleased to take such steps as it may deem expedient and necessary to encourage this movement in at least some of the selected Government schools in the province for the present ? "

The Hon'ble Mr. Richey replied :—

" It is understood from the Commissioner of boy-scouts in the Punjab, Colonel Wright of the 1st Punjab Rifles, that no regular boy-scout company has been formed in connection with any Indian School. The boy-scout movement in European Schools is also at a stand-still for lack of scout-masters, and is likely to continue so till the close of the war. Although Government entirely sympathizes with it the boy-scout movement is essentially an unofficial organisation and the initiative in this matter must come from those who will take part in it. "

The Hon'ble Sayad Makhdum Rajan Shah asked :—

Single and double sections in the Government High Schools of the Punjab.

68. " Will the Government say what Government High Schools in the province have double sections and what schools have single sections ? "

[Mr. Richey ; Sayad Makhdum Rajan Shah ; Sardar Bahadur Gajjan Singh.]

The Hon'ble Mr. Richey replied :—

"Of the 28 Government High Schools, 23 have double sections and 5 single sections."

The Hon'ble Sayad Makhdum Rajan Shah asked :—

69. "On what principles are the schools allowed to keep double sections? Is the importance of a town a factor in this direction?" The same.

The Hon'ble Mr. Richey replied :—

"So far as is known there is no recent case of a Government School being reduced from a two-section to a single-section school or of the converse. The importance of a town must presumably have been taken into consideration when the opening of a second section in a Government School was originally authorised."

The Hon'ble Sayad Makhdum Rajan Shah asked :—

70. "Has provision been made for all the sections of the Government High School, Multan, in the new school building under construction? If not, will only a few classes be removed to the new building and others kept in the present building? In the latter case, will not the Government be pleased to add more rooms to the new buildings next year to accommodate all the classes at one place?" Government High School, Multan.

The Hon'ble Mr. Richey replied :—

"The new and improved type plan for a Government High School is designed only for a single-section school. In order to provide accommodation for a two-section school it is necessary to add to the type plan an additional block of class rooms. It is hoped that such a block will be erected at Multan."

The Hon'ble Sayad Makhdum Rajan Shah asked :—

71. "Has the Government been pleased to take any action on the memorial of the gentry of Multan submitted through the Chief Secretary in November last to extend the new school building under construction to provide accommodation for all the existing classes?" The same.

The Hon'ble Mr. Richey replied :—

"The memorial in question was sent to the Inspector of Schools for report. This report has recently been received. It is understood that the construction of this additional accommodation would meet the petitioners' wishes."

The Hon'ble Sardar Bahadur Gajjan Singh asked :—

72. "Will the Government please state—

- (a) "The total number of the Government Pleaderships in the Punjab on 1st January 1918 ;
- (b) "The number of such appointments held by Sikhs, Hindus and Muhammadans on the 1st January 1918?"

No. of Hindu Muhammadan and Sikh Government pleaders in the Punjab.

(For reply to this question please see reply to questions Nos. 53 and 54 put by the Hon'ble Khan Bahadur Malik Muhammad Amin Khan.)

The Hon'ble Sardar Bahadur Gajjan Singh asked :—

73. "Will Government be pleased to state—

- (a) "The total number of District Inspectorships and Assistant District Inspectorships in the Punjab ;

Appointment of Sikhs, Hindus and Muhammadan as District and Assistant District Inspectors.

[Sardar Bahadur Gajjan Singh; Mr. Richey; Mr. Maynard;
Mr. Thompson; Rai Bahadur Raizada Bhagat Ram.]

(b) "The number of such appointments held by Sikhs, Hindus and Muhammadans.?"

The Hon'ble Mr. Richey replied:—

"The total number of District Inspectors and Assistant District Inspectors is 81.

"Of these 36 are Hindus, 36 Muhammadans, 8 Sikhs and one a Christian."

The Hon'ble Sardar Bahadur Gajjan Singh asked:—

74. "Will Government be pleased to state—

(a) "The total number of Inspectors, Sub-Inspectors in the Co-operative Societies in the Punjab;

(b) "The number of such appointments held by Sikhs, Hindus and Muhammadans;

(c) "The number of direct appointments of Inspectorship filled during the past five years by Sikhs, Hindus and Muhammadans, and the educational qualifications of such candidates.?"

The Hon'ble Mr. Maynard replied:—

"The information asked for by the Hon'ble Member is given in the statement which is placed on the table."

The Hon'ble Rai Bahadur Raizada Bhagat Ram asked:—

75. "Has the attention of the Government been drawn to the case of two Punjab barristers, Messrs. Ghulam Rasul and Badr-ud-din; not having been allowed to land at Mombasa?"

The Hon'ble Mr. Thompson replied:—

"The reply is in the affirmative."

The Hon'ble Rai Bahadur Raizada Bhagat Ram asked:—

76. "Will the Government be pleased to state whether any enquiry has been instituted by the Government, as to the causes whereby these two barristers were precluded from landing, and, if so, with what results. If no enquiry has yet been made will the Government be pleased to order one to be instituted?"

The Hon'ble Mr. Thompson replied:—

"No enquiry has been instituted by the Punjab Government into the causes whereby Messrs. Ghulam Rasul and Badr-ud-Din were precluded from landing at Mombasa, but the Punjab Government addressed the Government of India representing that a reference on their behalf should be made to the Government of British East Africa. In reply the Government of India stated that they had already explained matters to the Provincial Commissioners, Mombasa, and asked that the Barristers might be allowed to land. The Governor of the Colony, however, expressed his regret that he could not accede to the request. The Government of India then informed the Punjab Government that they felt unable to take any further action, as they could not interfere with the discretion of the British East Africa authorities in such a matter, especially in time of war. In the circumstances it is not proposed to make any further enquiry."

Appointments of Sikhs, Hindus and Muhammadans as Inspectors and Sub-Inspectors in Co-operative Societies in Punjab.

Indian Barristers not allowed to land at Mombasa.

The same.

[*Rai Bahadur Raizada Bhagat Ram ; Mr. Thompson ; Rai Bahadur Pandit Sheo Narain ; Mr. Lumsden ; Khan Bahadur Fazl-i-Hussain ; Mr. Craik.*]

The Hon'ble Rai Bahadur Raizada Bhagat Ram, asked :—

77. " Will the Government be pleased to state whether it sent any report to the British East Africa authorities concerning these two Barristers, and, if so, will the Government be pleased to lay that report on the table ? " The same

The Hon'ble Mr. Thompson replied :—

" The answer is in the negative."

The Hon'ble Rai Bahadur Pandit Sheo Narain asked :—

78. " Will the Government be pleased to state in what year were the municipal water mains laid in the City of Lahore ? " Water mains in the City of Lahore.

The Hon'ble Mr. Lumsden replied :—

" The city water mains were laid in the year 1881 and extended as requirements demanded."

The Hon'ble Rai Bahadur Pandit Sheo Narain asked :—

79. " Are the mains and the reservoirs in Lunga Mandi periodically cleaned. If so, at what intervals and by what process ? " Cleaning of mains.

The Hon'ble Mr. Lumsden replied :—

" The water mains are scoured through wash-out valves once a month, the reservoirs are cleaned once a year."

The Hon'ble Rai Bahadur Pandit Sheo Narain asked :—

80. " Is the water supplied by the taps in the city of Lahore ever analysed by an expert ? " Analysis of tap water in Lahore City.

The Hon'ble Mr. Lumsden replied :—

" The water is analysed by the Municipal Health Department at regular intervals."

The Hon'ble Khan Bahadur Mian Fazal-i-Hussain asked :—

81. " With reference to questions 56 and 57 and the answer to them in the meeting of the Council held on Tuesday, the 6th November 1917, will the Government be pleased to state :—

(a) " whether action under the second proviso of section 14 of the Act has not been taken ?

(b) " whether this lunatic's father and brother are not anxious to take him home, and are not financially in a position to look after him and have him properly treated ? "

The Hon'ble Mr. Craik replied :—

" The answer to part (a) of the question is in the negative. The answer to part (b) is in the affirmative, but the lunatic is not in a fit state to be released from the asylum. The Superintendent recently certified that he was suffering from auditory hallucinations, which apparently impel him to get hold of a knife for the purpose of inflicting injury on some one, and that he cannot be discharged at present with security to himself or others."

APPENDIX A.

(SEE ANSWER TO QUESTION, No. 20.)

Statement relating to Question XX relating to the issue of arms licenses
in the Kangra District.

(a) The number of licenses issued for each of the years from 1905 to 1918 :—

Year	For sporting purposes.	For protection of crops.
1905	435	2606
1906	405	2299
1907	407	2243
1908	392	2264
1909	393	2174
1910	374	2457
1911	363	2382
1912	350	2522
1913	329	2664
1914	313	2691
1915	333	2678
1916	346	2507
1917	341	2447
1918 up to 29th January 1918.)	189 (of which 119 more are pending inquiry.)	2088 (of which 189 more are pending inquiry.)

(b) The number of applications for renewal rejected in the month of December 1917 and up to 29th January 1918 :—

(1) For sport	43
(2) For protection of crops	104

(c) The number of applications for renewal pending inquiry and orders on 29th January 1918 :—

(1) For sport	119
(2) For protection of crops	291

(d) The number of applications for renewal returned to applicants in December 1917 and up to 29th January 1918 :—

(1) To appear in person	250
(2) To give details of war work done and to state what relations have served or are serving in the army	30

(e) (1) The number of guns forfeited to Government by reason of the licenses not being renewed for the year 1918 is nil.

(2) The number of guns deposited in the *thanas* or *malkhanas* during January 1918 by persons whose licenses have expired on 31st December and not been renewed for 1918 is not yet known.

APPENDIX B.

(SEE ANSWER TO QUESTION NO. 23.)

Statement showing population, cultivated area and cattle in Nurpur
Tahsil of Kangra District.

(a).—Population.

1855	...	...	...	...	Not available.
1868	...	...	...	...	127,368
1881	...	...	...	...	105,244
1891	...	...	...	...	104,895
1901	...	...	...	...	102,289
1911	...	...	...	...	100,040

(b).—Cultivated area in Nurpur.

				Acres.	
1852	...	...	...	97,081	
1868	...	...	...	115,325	
1891	...	...	...	108,440	
1917	...	...	...	104,351	Old measurement figures. New measurement figures not yet available.

(c).—Cattle.

	Oxen and Cows.		Buffaloes.	Young stock.
1852	...	108,270*	...	...
1868	...	68,698*	...	...
1891	...	82,111	21,946	...
1914	...	75,142	22,870	... 37,070

* These two sets of figures are for oxen, cows and buffaloes taken together.

APPENDIX C.

(SEE ANSWER TO QUESTION NO. 37.)

Statement showing the expenditure incurred during the last five financial years (1912-13 to 1916-17) by Government on the encouragement of industries.

Financial year.	On the Government Central Weavery.	On the Dyeing School at the Central Weavery.	On the Salvation Army Weaving School, Ludhiana.	On the O'Dwyer Silk Institute, Simla.	Grant to the Victoria Diamond Jubilee Hindia Technical Institute for research into small manufactures.	On agriculture.	On the Anballe Grist Factory for the training of apprentices.	Grant to Punjab Public Library for keeping specifications of patents, and purchase of commercial and industrial books.	Total.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1912-13	7,526	—	3,100	—	—	—	450	740	12,116
1913-14	9,038	—	3,600	—	—	—	169	640	13,444
1914-15	13,685	—	3,000	—	—	1,000	—	640	18,938
1915-16	29,085	—	4,100	2,000	—	1,200	—	640	31,008
1916-17	18,110	1,250	—	7,000	5,000	1,200	—	640	33,200

APPENDIX D.

(SEE ANSWER TO QUESTION No. 43.)

Peasant Grantees.

Division.	District.	Montgomery Colony.	Upper Chenab Colony.	Gujrat District.	Total.
AMBALA ...	Hisar ...	1	...	...	1
	Rohtak ...	8	...	...	8
	Gurgaon ...	...	...	...	...
	Karnal ...	...	...	...	...
	Ambala ...	...	...	...	...
	Simla ...	...	...	...	...
	Total ...	...	...	...	...
JULLANDHUR ...	Kangra ...	...	...	...	...
	Hoshiarpur ...	858	...	...	858
	Jullundur ...	805	...	...	805
	Ludhiana ...	18	...	...	18
	Ferozapore ...	193	...	...	193
	Total ...	...	...	...	...
LAHORE ...	Lahore ...	419	...	...	419
	Amritsar ...	329	...	...	329
	Gurdaspur ...	413	...	...	413
	Sialkot ...	408	...	...	408
	Gujranwala ...	285	967	...	1,232
	Total ...	...	...	...	...
RAWALPINDI ...	Gujrat ...	485	...	312½	747½
	Shahpur ...	318	...	49½	367½
	Jhelum ...	506	...	36½	542½
	Rawalpindi ...	111	...	24	135
	Attock ...	162	...	26	188
	Mianwali ...	209	...	8	217
	Total ...	...	...	...	...
MULTAN ...	Montgomery ...	3,533	...	...	3,533
	Lyallpur ...	130	...	...	130
	Jhang ...	...	...	...	...
	Multan ...	1,625	...	...	1,625
	Muzaffargarh ...	...	...	...	...
	Dera Ghazi Khan ...	...	...	...	...
	Peshawar ...	3	...	...	3
	Patiala State ...	2	...	...	2
Delhi ...	69	...	...	69	
	Total ...	10,713	967	495½	12,186½

APPENDIX E.

(SEE ANSWER TO QUESTION No. 43.)

Retired Military Officers.

District.	Montgomery Colony.	Upper Chenab Colony.	Gujrat District.	Total.
Ambala ...	2	...	...	2
Kangra ...	2	...	2	4
Hoshiarpur ...	2	...	...	2
Amritsar ...	2	...	2	4
Gujranwala ...	2	4	...	6
Jhelum ...	...	...	4	4
Rawalpindi ...	...	...	2	2
Montgomery ...	2	...	...	2
Peshawar ...	2	...	...	2
Miscellaneous ...	2	...	...	2
Total ...	16	4	10	30

APPENDIX F.

(SEE ANSWER TO QUESTION NO. 48 (a)).

Statement showing disposals in the Court of the District and Sessions Judge, Karnal, from 1st August 1914, up to 31st December 1917.

District.	From 1st August 1914 to 31st December 1914.			1915			1916			1917		
	Sessions cases.	Criminal appeals.	Civil appeals.	Sessions cases.	Criminal appeals	Civil appeals.*	Sessions cases.	Criminal appeals.	Civil appeals.*	Sessions cases.	Criminal appeals.	Civil appeals.*
Rohtak	24	98	47	19	211	253 (a)	16	189	329 (a)	15	101	245
Karnal	11	142	84	28	800	199	28	315	58	20	271	316

*NOTE.—These figures do not include miscellaneous Civil appeals.

(a) In addition to these 328 Karnal Civil appeals were disposed of by the District Judge of Ambala in 1915 and 1916, but figures for each year separately cannot be ascertained.

APPENDIX G.

(SEE ANSWER TO QUESTION NO. 48 (a)).

Statement showing Civil appeals transferred from the Court of the District and Sessions Judge, Karnal, to other districts since July 1914.

	Number of appeals transferred.		
	To Delhi.	To Ambala.	To Hissar.
Karnal Civil appeals	277	431*	Nil
Karnal Sessions cases	Nil	Nil	Nil
Karnal Criminal appeals	Nil	Nil	Nil

*NOTE.—108 of these were retransferred to Karnal.

APPENDIX H.

(SEE ANSWER TO QUESTION NO. 48 (b)).

Number of Civil and Criminal appeals pending in the Court of the District and Sessions Judge, Karnal, at the end of December 1917.

Appeals.	District (Karnal).	District (Rohtak).
Civil appeals	42	78
Criminal appeals	11	8

APPENDIX I.

(SEE ANSWER TO QUESTION NO. 49 (a) AND (b)).

Statement showing the amount for the recovery of which suits were filed in the various Civil Courts in the Rohtak District and the total number of such suits in 1912, 1913, 1914, 1915, 1916 and 1917.

Year.	Total of value of money suits.	Total number of money suits filed.	REMARKS.
	Rs.		
1912	6,71,651	4,573	
1913	5,56,170	3,790	
1914	6,04,493	2,657	
1915	6,71,196	5,196	
1916	7,09,079	4,682	
1917	8,45,574	5,866	

APPENDIX J.

(SEE ANSWER TO QUESTION NO. 74.)

(a)		(b)						(c)				
TOTAL NUMBER OF INSPECTORS AND SUB-INSPECTORS IN THE CO-OPERATIVE SOCIETIES IN THE PUNJAB.		NUMBER OF SUCH APPOINTMENTS HELD BY						NUMBER OF DIRECT APPOINTMENTS OF INSPECTORS HELD DURING THE LAST FIVE YEARS BY SUCH INSPECTORS, SUB-INSPECTORS, MUHAMMADANS AND THE RESPECTIVE QUALIFICATIONS OF SUCH CANDIDATES.				
Inspectors.	Sub-Inspectors.	Sikhs.		Hindus.		Muhammadans.		Year.	Sikhs.	Hindus.	Muhammadans.	
		Inspectors.	Sub-Inspectors.	Inspectors.	Sub-Inspectors.	Inspectors.	Sub-Inspectors.					
19	82	6	13	4	10	9	50	1913	..	..	..	..
								1914	..	..	..	..
								1915	..	..	..	..
								1916	1 (B. A.)	..	..	..
								1917	3 (B. A., 2) (M. A., 1)	1 (Entrance passed)	1 (B. A.)	..

APPENDIX K.
Statement showing promotions given to Kanungos and their proportion to the total appointments made during the last 10 years in the grades of

By	MAD-TARUNDAK.			EXCISE SUB-INSPECTORS.			REVENUE READERS.			ZILADARS.			REMARKS.
	Number of kanungos promoted.	Total appointments made.	Proportion.	Number of kanungos promoted.	Total appointments made.	Proportion.	Number of kanungos promoted.	Total appointments made.	Proportion.	Number of kanungos promoted.	Total appointments made.	Proportion.	
Commissioner, Amalga ...	15	26	57.7	2	10	20	6	25	24	..	..	..	Per cent.
Commissioner, Jullundur ...	13	23	56.5	1	2	50	9	22	41.4	..	..	..	..
Commissioner, Lahore ...	20	29	68.9	..	18	..	7	27	25.93	..	..	..	..
Commissioner, Rawalpindi ...	17	33	51.5	..	7	..	10	23	43.48	..	..	..	..
Commissioner, Multan ...	13	23	56.5	..	5	..	5	30	16.66	..	..	..	..
Chief Engineer ...	..	..	..	..	..	..	..	..	..	4	118	3.39	..
Total ...	78	134	58 100	3	42	7 100	37	127	29 100	4	118	3 100	..

[Mr. Lumsden.]

THE PUNJAB MUNICIPAL ACT (AMENDMENT) BILL.

The Hon'ble Mr. Lumsden :—

" YOUR HONOUR,—I beg to move for leave to introduce a Bill to amend the Punjab Municipal Act, 1911, so as to provide for the imposition of a terminal tax. Some weeks ago I had the honour of introducing a small Bill to amend the Punjab Vaccination Act, and I stated at that time that the Bills introduced by the Finance Member are generally of the most modest and unpretentious character. The present Bill is even simpler and more formal than the one referred to, which the Council passed.

" At the time the Act of 1911 was passed, the system of terminal taxation was practically untried in India. I do not think any suggestion of the kind had been brought forward in this Province; at any rate no concrete proposals had been sent up. It was in fact only in the beginning of 1913 that the Government of India expressed themselves ready to consider proposals for the imposition of a terminal tax and it was not till then that they accepted the principle that in certain circumstances a terminal tax was a lesser burden on trade than the system of octroi with refunds. Since that time considerable progress has been made as regards this form of taxation, and it has been introduced into various municipalities and notified areas in this and other Provinces. With the further information gained the Government of India have recently issued a memorandum of instructions on the subject of terminal taxation and they now consider that in all cases where a terminal tax is to be introduced in substitution for the existing system of octroi, the sanction to the imposition might safely be left to the Local Government. As Members are no doubt aware sanction to the imposition of taxation is given under section 61 of the Municipal Act. Clause (b) of that section gives details of a certain number of taxes which can be sanctioned by the Local Government, while any taxes not included in clause (b) of the section have to be referred to the Government of India. For the reasons I have just given there exists no provision in clause (b) for the imposition of a terminal tax, and consequently this Bill is designed to give the Local Government the necessary power.

" In connection with this Bill itself it is interesting to find that in the most recent report of the Punjab Chamber of Commerce the success of the terminal tax at Delhi as compared with the previous system of octroi is fully endorsed. The Bill involves no change of principle, but merely a small change of procedure, and only in the limited number of cases mentioned will it be open to the Local Government to sanction the imposition of the tax at the request of municipalities without having to refer the matter to the Government of India. I beg therefore to move that the Bill be introduced."

The motion was put and agreed to.

The Hon'ble Mr. Lumsden :—

" YOUR HONOUR,—I introduce the Bill and beg to move that it be taken into consideration. As I have explained, the Bill is of a purely formal character, and I do not think it is necessary to refer the matter to a Select Committee. If there is any general feeling that this should be done, I am quite ready to accept a motion to that effect."

The motion was put and agreed to.

The Hon'ble Mr. Lumsden :—

" YOUR HONOUR,—I beg to move that the Bill be now passed."

[*Rai Bahadur Bakhshi Sohan Lal ; His Honour President ; Mr. Lumsden ; Nawab Sir Behram Khan.*]

The Hon'ble Bakhshi Sohan Lal :—

"My humble proposal is that by circulating the Bill for opinion it will have the support of the public, and if we rush the passing of the Bill in one reading, it may not satisfy the public at large. I do not understand why the usual procedure should not be adopted in this case especially when a tax has to be imposed."

His Honour the President:—

"There need be no suspicion of any ulterior motives on the part of Government. I understand that many proposals are at present pending from several municipalities for the imposition of a terminal tax. Those proposals under the existing law have to be submitted to the Government of India. The Government of India suggested that the Local Government should take power to deal with these proposals. The object of the Bill is to enable the Government to give the sanction as speedily as possible. It is therefore in the interests of the municipalities. The present Bill will enable the Local Government to give sanction to the proposals of committees without having to refer them to the Government of India."

The Hon'ble Mr. Lumsden :—

"The position of the public and the municipalities will remain exactly as it is. There is no change whatever in that. The only difference is that instead of the matter having to be referred to the Government of India the necessary sanction will be given by the Local Government. Government has nothing to do with the initiative. The initiative rests with municipalities. The only difference is that when the proposal reaches Government, Government will be able to pass final orders in the cases mentioned without further reference to the Government of India which is at present necessary."

The Hon'ble Nawab Sir Behram Khan spoke in Urdu and said that the municipalities should be given the opportunity of expressing an opinion on the Bill before it was passed.

His Honour the President :—

"There appears to be some misunderstanding. Perhaps the Hon'ble Member will explain."

The Hon'ble Mr. Lumsden :—

"I think there seems to be some misapprehension about the scope of this Bill which involves no change in principle whatsoever. It is purely optional with municipalities to apply for sanction to introduce the system of terminal taxation or not as they like. The only change that the Bill makes is that instead of the matter having to be referred to the Government of India, it will be within the powers of the Local Government to sanction the imposition of the tax just as at present the Local Government accords sanction in the case of the various taxes mentioned in clause (b) of section 61. There is no suggestion that the Local Government should undertake the imposition of the tax. It is merely a small delegation of the power of the Government of India to the Local Government so as to save a number of more or less petty references which the Government of India consider unnecessary. I think the Hon'ble Members have misunderstood the object of the Bill. If the Hon'ble Member will refer to section 61 of the Municipal Act he will find that under clause (a) a proposal for the imposition of a terminal tax has to go up to the Government of India. The only difference that this Bill makes is that it introduces an extra sub-clause in clause (b) to provide that the terminal tax under the restrictions mentioned shall be treated as the other taxes are now treated under that clause."

The motion that the Bill be passed was put and agreed to.

[Mr. Craik ; Mr. Fazl-i-Hussain.]

THE RESTRICTION OF HABITUAL OFFENDERS (PUNJAB) BILL.

The Hon'ble Mr. Craik :—

" I beg to present the Report of the Select Committee on the Bill for restricting the movements of habitual offenders in the Punjab.

" There is very little for me to say about it. The amendments made by the Select Committee are small and not important. Those in clause 2 and clause 12 and clause 15 are merely to correct small errors of drafting and they make no practical difference. A substantial amendment has been made in clause 9 (2) where the word 'may' has been altered to the word 'shall.' The Select Committee felt that where a magistrate was satisfied that an order of restriction confines a person to a place which will not afford a sufficient means of earning his livelihood, the Magistrate should be bound to change the area. Then in clause 15 we have added a sub-clause making it clear what is to happen when a person against whom an order of restriction has been passed has violated the order and has been arrested by a person other than a police officer. The section as it first stood did not contain any direction to the jail-dar, lambardar, headman or watchman as to what he is to do when he has arrested such a person. These are the only changes made in the Bill by the Select Committee.

" I now beg to move that the Report and the Bill as amended by the Select Committee be taken into consideration."

The Hon'ble Mr. Fazl-i-Hussain :—

" This Bill, at the earlier stages called the " Habitual Criminals Bill," and now styled the " Habitual Offenders Bill " was introduced in this Council at the last meeting. At the time the Bill was introduced, I thought it was advisable not to enter my protest against it, as I wanted to see how the Select Committee that was going to be appointed will deal with it.

" This morning we have been presented with a Report of the Select Committee and we find that the Select Committee has contented itself with making certain grammatical corrections and introducing certain reforms by way of drafting and one small para. has been added. But so far as the main provisions are concerned, as the Select Committee claims, no alterations have been made. This is the time when I venture to make certain observations as to the principles underlying the Bill, and as to the changes the Bill seeks to introduce in the criminal administration of the province, and as they are of a far-reaching effect how far they are desirable from the point of view of the liberty of the subject as well as from the point of view of interests of the public at large. In dealing with this Bill I will request Your Honour to bear with me for a moment when I invite Your Honour's close attention to an exceedingly important point which appears to have been more or less ignored by the framers of the Bill. And it is this : it should be remembered that it was as long ago as 1861 that the Indian Penal Code was introduced into this country and it was in the year 1866 that the Criminal Procedure Code was introduced. Before the introduction of these criminal measures, measures for the carrying on of the criminal administration of the country, there was in the Punjab, a few years before their introduction, a state of administration known, without meaning any disparagement, as *sikha shāhi*. The principle of Government practically amounted to this, i.e., *دیکھو، دیکھو، دیکھو*. You get hold of a man who is suspected and tie him up and proceed to administer justice in the best way you can. It was that which was called *sikha shāhi*. The people very naturally welcomed the change which the British administration introduced into the country. It was the change from that sort of administration to an administration based on principles of civilised government that at once endeared the British administration to the people, and in common parlance the people have begun to say when we want to introduce such a measure as this Bill that they are surely not returning to *sikha shāhi*. Why, it is *caulkari*

[*Mr. Fazl-i-Hussain.*]

kakimat ? When any measure, calculated to introduce a change in the provisions of law introduced as far back as 1861 and 1866 is contemplated, I believe, it ought to be introduced with reference to the express need that is felt, and that the change should be in the direction of reform on the principles of civilised government and not a sort of going back to the principles of 50 or 60 years ago.

“ Now all of us are unanimous in approving of the object of the Bill. The object admittedly is that there should be less of crime. No one can for a moment say that that object is not noble, or that any one of us does not want to achieve that object. Whether that object will be achieved by this or not, and what will be the extent of this achievement, are points which the Council should consider very carefully when dealing with this Bill.

“ In the case of criminals, let them be brought to justice, try them in accordance with law and convict them and punish them I believe what I am going to put forward is not on behalf of criminals but it is on behalf of the people who are suspects—persons suspected of having committed an offence but against whom no proof has been adduced that they have actually committed an offence. Just now in my opening observations I mentioned the fact that there is a difference between a habitual criminal and a habitual offender. The Bill originally was really meant to affect the habitual criminals. If the Hon'ble Members will turn to the Statement of Objects and Reasons they will find that in the very first para. it is mentioned that this Bill came into being on certain recommendations made by the Police to the effect that the provisions of the Criminal Tribes Act should apply to those persons who have been twice convicted. Obviously a very sensible suggestion. There is a man who has committed an offence, he has been convicted and found guilty, and again he commits the same offence and is probably imprisoned. Again he is convicted for a term of five years or six years. Under section 75 of the Indian Penal Code, it will be a longer term of imprisonment than he got on his second conviction. What the Inspector-General of Police apparently wanted was that if this man has committed a third offence,—well, what is he ? after all he is a confirmed criminal—we should be allowed to proceed against him and take very strong measures against him. To that proposal I for one would not offer any opposition. But it appears that as time passed opinions were invited on this point and instead of keeping the recommendations of the Inspector-General of Police in view, the scope of the measure has been extended. No doubt generally it was considered that the provisions of section 110 of the Criminal Procedure Code, that is to say, the provisions with reference to persons suspected of being criminals, were not very satisfactory. We all know that those provisions really should not find a place in the Criminal Procedure Code. They serve really no useful purpose. I there agree with the Hon'ble Member. But when he proceeds to say that inasmuch as those provisions are of no use there lies the necessity for the introduction of the new provision, that is to say, the order of restriction, not only against habitual criminals but also against persons who are suspected of being offenders and who are now being termed as habitual offenders. I cannot agree with him. The principles of law, and the principles of justice underlying section 110 do not allow that when a person is suspected by his neighbours and his fellow-villagers or his fellow-townsmen and has got a bad repute—well, inasmuch as it is no crime not to be in the good books of his neighbours, he should be punished but they go so far in the interests of the people at large as to say “ you shall give security to the extent of so much money, that you will behave yourself and that if you do not behave yourself properly and commit an offence, not only will you be punished but your security will be confiscated.” That is to say, in India in the Criminal Procedure Code this preventive measure is added to what is the law in England, and always the Courts of Justice have held that even this measure should be

[Mr. Fazl-i-Hussain.]

very carefully enforced, inasmuch as the person against whom the machinery of section 110 is to be enforced is not a criminal. He is not the person who has committed an offence, and invariably our Judges of the Chief Court as well as of the different High Courts have held that the man should be considered innocent in the sense that he is not a criminal, and I may mention that in his speech the Hon'ble Member-in-charge made certain observations on which he appeared to base the argument in support of this Bill. I have got the speech before me. He started by saying that the present law is unsatisfactory and the interpretation of the present law is such that it shows that the present law is of no avail and does not serve the purpose which it was intended to serve. He referred to a case of 1905 and referred to a judgment of the Chief Court in which he said it was laid down that it was illegal for a Magistrate to order a further security to be furnished once a security has been offered and accepted. That was a case wherein a surety was offered and accepted and the man was released and there apparently the matter ended. The Magistrate who tried the man accepted the surety from that man. It appears that the Superintendent of Police was not quite satisfied and he reported the matter not to the Magistrate who had tried the case, but to the District Magistrate Sir et and the District Magistrate of the district appears to have taken a strange action inasmuch as he cancelled the first surety and proceeded to order a fresh one. The matter came before the Sessions Judge, Mr. Kennedy, and he reported the matter to the Chief Court, saying that this procedure of the District Magistrate was altogether unfair and illegal. The Chief Court agreed with the Sessions Judge and Mr. Justice Reid then passed an order that it was not right on the part of the District Magistrate on the report of the Superintendent of Police (the man who was really through one of the subordinates responsible for *chalaning* the man) to say that he should furnish another security or that the surety should not be accepted. I fail to see how the Member-in-charge of the Bill can possibly rely upon this judgment as showing that the provisions of law are unsatisfactory, as it shows that the action of the District Magistrate, as of course the action of all executive officers, is more or less biased in the interests of good administration and that view was very properly taken by the Sessions Judge and the Chief Court. Next the Hon'ble Member-in-charge proceeded to say that in the following year, that is, in the year 1906, the Chief Court again took the matter of section 110 into consideration. Now this case of 1906 reported as 18, Punjab Record, 1906, was, I say, a case that showed how necessary it is for the judiciary to control the discretion of the administrative officer. In the Rawalpindi District it appeared that the District Magistrate, over-anxious to establish quiet and peace in the district, issued an order that in future a lam-bardar or zaildar should not be allowed to stand surety for a man who is suspected to be an offender. As soon as the man is ordered to give security, he should be sent to jail and he should not be released on bail till the man who offers to stand a surety for him has been sent to the Tahsildar and then to the Sub-Inspector. That is, for at least a fortnight the man should remain in jail. This matter came before the Sessions Judge, Mr. Scott Smith, now Mr. Justice Scott Smith. He thought the circular of the District Magistrate was a violation of the law and he very rightly wrote a very strong report on the subject and forwarded the case to the Chief Court. The Chief Court went into the whole case and it was Sir Arthur Reid, the Chief Judge, who went into the whole case and came to the conclusion that the order of the District Magistrate was illegal and that the procedure that he had suggested amounted to a very serious, what was termed in the judgment, 'scandalous breach of justice.' Here is a man who is ordered to give security and he is willing to give security to the satisfaction of the court. You say I am not going to look at that surety, I am not going to look at your sureties at all. Let him go to the Tahsildar and he must send him on to the Sub-Inspector and for a fortnight at least the man who is suspected of crime remains

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in jail. This matter of the *robkar* of the District Magistrate is considered in this judgment of the Chief Court and they very rightly held that the District Magistrate acted very wrongly in issuing the *robkar*.

"I do not think much argument can be found in support of the Bill from a judgment which I claim very rightly ordered that the provisions of section 110 could not be used as they had been. The next case which the Hon'ble Member-in-charge cited in his support, was the case of 1914. Now that again was a case wherein a civilian Judge of the Chief Court on his own motion, that is to say, when neither side appeared before him, thought it advisable to correct what he considered a flagrant breach of justice, and he very rightly pointed out that the object of the law as to security for good behaviour is not to fill the jails with bad characters but to bring a reasonable pressure to bear upon such persons to respect the law.

"Now I will mention here that I have intentionally reserved the first case that the Hon'ble Member-in-charge referred to, that is the Ruling of 1900, to deal with last. That was the judgment of the Hon'ble Mr. Justice Rattigan, and the Hon'ble Member-in-charge quoted a passage from it saying that a person who is innocent of the commission of any offence shall not be punished as a felon.

His Honour the President :—

"I must remind the Hon'ble Member that he is exceeding his time."

The Hon'ble Mr. Fazl-i-Hussain :—

"Am I not entitled to half an hour?"

His Honour the President :—

"Speeches on the Bill generally are confined to 15 minutes each."

The Hon'ble Mr. Fazl-i-Hussain :—

"If Your Honour will let me have 5 minutes to close my remarks, I will try to finish them."

His Honour the President :—

"Yes"

The Hon'ble Mr. Fazl-i-Hussain :—

"Now I must put by the temptation to deal with 17 Punjab Record, 1900, and proceed at once to place before the Council the points on which I rely. What I rely upon is that this measure originally was intended to be a measure against persons who were habitual criminals and the extension of the scope of the Bill so as to include persons who are not habitual criminals but only suspects under section 110 of the Criminal Procedure Code is an innovation. The learned Member in-charge claimed that a large number of people consulted were in support of the principle of the Bill. I venture to directly challenge the correctness of that contention. I would request him to look at the opinions which have been sent to him to see whether it is not a fact that almost all the Members want him to define the words 'habitual offender' in order to limit the application of that expression to the persons who have had previous convictions against them. Some suggest that he must have a previous conviction in two cases, so it is not fair to say that the members consulted support the Bill inasmuch as they say we support the Bill provided the persons against whom we proceed are persons who have got previous convictions against them, and I believe that such members were among the members of the Select Committee as well.

'Then the second point is what is the significance of this order of internment or restriction. It amounts to this that a man is practically imprisoned within a certain area, that is to say, an imprisonment within a restricted area without having any one to support him. I contend, Your Honour, that it is an imprisonment without the State incurring the burden of maintaining that man. It is an exceedingly harsh measure. He is simply suspected of having committed a crime. My contention is that it is contrary to the principles of justice involved in all the criminal enactments that are in force till now, and a measure like this has not yet been introduced, I claim, in any other province. Then there is a hint that possibly the administration of this measure will not be in the hands of the Police. There is no such risk of this. Personally I think that if the machinery is changed from the Sub-Inspector of Police to the village Zaildar or Lambardar the change is not for the better, inasmuch as persons who are occupying the positions of Lambardars and Zaildars are not better than those in the employ of Government against whom serious action can be taken by their immediate officers. Therefore with these remarks I oppose the consideration of this Bill in this meeting."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal.

"Your Honour,—I beg permission to support the proposal so ably moved by my Hon'ble friend Khar Bahadur Mian Fazal-i-Husain, that the Bill even though recommended by the Select Committee should be rejected. I am afraid with the official vote and the votes of certain non-official members the proposition may be thrown out, but I think I would be lacking in duty to my fellow countrymen if I fail to raise my voice against the retrograde and highly injurious measure, which the Hon'ble Member-in-charge of the Bill wishes to see passed in this Council. It is a wonder to me that in the 20th Century and specially at such a time when various schemes of constitutional reforms towards granting responsible government to the people of this country are under consideration of the Imperial Government, and when the people of this Province are sacrificing their everything, *Tan, Man, Dhan*, and when the flower of the youth of the Punjab is fighting the King's battles in distant lands, such a highly contentious and retrograde measure, as this Bill surely is, should be placed on the legislative anvil of this Province. This is a most inopportune moment to forge such legislation. All thoughtful Punjabees hoped that with the commendable patriotism shown by the people of this Province during the war, a new era of peace and contentment will be ushered in, but the Bill presumed that the existing law contained in the security sections of the Criminal Procedure Code and the provisions of the Criminal Tribes Act of 1911 were not sufficient to control habitual offenders. This Bill is nothing short of a legislative attempt to stamp out self-respect and independence from the ordinary citizens' mind and make him a sycophant and hanger-on of persons in authority from the lowest village official onwards. I feel no hesitation in thinking that this measure if passed will be a great engine of oppression ever forged by the legislative assembly of any civilized country. Have the authors of the Bill ever thought of the immense danger of demoralization of the villagers, which the measure if enacted and enforced is likely to create? The village official in order to avenge his private grudge and being possessed of a power to do things in his own way to crush his enemy, may use the provisions of the Bill wrongly, and not only the convict and the suspect, but also innocent citizens will be dreaded and gagged against pushing their grievances against the village officials and the police, and if they have to live in the village they must always manage to win the favour of such officials by all sorts of means.

"With the restrictions rightly put, of late, on the movements of criminal tribes and with their accommodation in agricultural and labour settlements under the management of Government, Salvation Army, the Arya Samaj, the

[*Rai Bahadur Pundit Sheo Narain ; Sardar Bahadur Gajjan Singh.*]

Hindu Sabha and other institutions which are actively engaged in reforming criminals, I am of opinion that the existing law affords sufficient safeguards against the acts and movements of habitual offenders; and, shows the Bill to be absolutely unnecessary. If crime remains undetected and unpunished, the proper remedy is to strengthen and improve the investigation agency, and not to place too wide and tempting powers in the hands of low-paid employees in the village.

" May I enquire from the Member-in-charge of this Bill whether it is a peculiarity of this Province that crimes remain undetected and unpunished? Is it not a fact that in the other provinces of India as well as in Europe, America and Japan, the police have been unable to bring to book the perpetrators of some of the most heinous crimes, which every law-abiding citizen would very much like to have traced. Why should this province be the only exception to all civilised countries in the world, in having a repressive measure fraught with such demoralizing consequence to the people? The Bill is a most ill-advised, and an utterly uncalled-for measure, and I have every hope that wiser counsels will prevail, and even at this stage, Government will show consideration to public opinion and withdraw it. With these remarks I venture to oppose the motion that the Report and the Bill as amended by the Select Committee be taken into consideration."

The Hon'ble Rai Bahadur Pundit Sheo Narain :—

" Your Honour, — I am one of those who when this Bill was originally drafted and sent round for opinion approved the general policy of the Bill and I have therefore now to explain that although on first impression I saw nothing objectionable in the Bill then yet after my opinion was submitted, I had had opportunities of discussing this matter with many sensible people who knew something of the administration and others also who had considered the principles of the Bill on general lines, and I regret very much and I am very sorry that I cannot adhere to my approval of the Bill. Persistence in error is no virtue and I have to correct my view that I took then and the lines of the discussion have changed my views on the subject. I am not going to trouble this Council with any observations as regards the utility of the provisions of the Criminal Procedure Code or any of the arguments which my friend the Hon'ble Bakhshi Sohan Lal has advanced, I would briefly state one thing and it is this, that the dread of the Bill is not that the criminals might escape or that the criminals dread the Bill,—of course they would—but the thing is that there is a dread of the lambardars, for the lambardar, if he chooses to bring any innocent person into trouble, it would be about the easiest thing to do. A lambardar will first report him to be a dangerous character in the place and then get the restriction order for him and what is perhaps not very much difficult for him, get a couple of witnesses to say that that person has transgressed the provisions of the law and get him somehow the punishment provided in the Bill, which is, as we have seen, on the first conviction to be one year, on the second conviction two years and on the third conviction, three years. In my opinion this punishment is too severe. Many people with whom I have discussed the subject have expressed certain misapprehensions and misgivings as to the actual working of the Act. In the working of the Bill I myself have come to the conclusion that possibly the Bill cannot be so successful as I thought in the beginning. I therefore regret that I have to oppose the consideration of this Bill at the present times when possibly it might be misconstrued by even those for whom it is not intended."

The Hon'ble Sardar Bahadur Gajjan Singh :—

" Your Honour,—I am very sorry for the remarks which have been advanced by my Hon'ble friend Mr. Fazl-i-Hussain as regards an administration which of course is not now under discussion. I am very sorry that this

[Sardar Bahadur Gajjan Singh.]

beneficent measure of Government should have been compared in such an unpleasant manner. If the idea was to convey that the Sikh Government was strong to deal with persons enumerated under section 110, Criminal Procedure Code, I have nothing to say, but if there was any other idea, I think it is my duty to resent it. As regards the measure of the Bill I find myself quite in harmony with it and lend my hearty support. The Hon'ble Mr. Fazl-i-Hussain has said that as originally proposed the intention of the Bill was to deal with habitual criminals. Well, it is now known to all of us that for the word 'criminal' has been substituted now the word 'offender,' in deference to the opinion of certain officers, for the simple reason that the word 'offender' is a more well-defined word, so on that ground I do not think any objection can be taken to the Bill. As regards the principle that this Bill if it applied to persons with two convictions against them, the Hon'ble Member, Mr. Fazl-i-Hussain, will have no objection, I have again to submit that I entirely disagree with him. This Bill I submit very rightly intends to deal with such persons who escape convictions. There are habitual offenders or criminals, whatever we may call them who for one reason or the other always escape conviction. It is to these persons as I understand that this Bill will be applicable. It is perfectly clear from experience that the provisions of section 110, Criminal Procedure Code, have almost entirely failed. The Bill in its present form I do not think adds anything to the difficulties of those persons who will be dealt with under this Bill. In the first place I would say that those persons whom the Magistrate considers fit persons to be restricted to their villages, will no doubt be better off than such persons who for want of supplying sureties have to go to jails and spend their days there. As for those persons who are unable to furnish sureties it is a concession which, I think, nobody should grudge, to be restricted to a village or villages, as the case may be, according to the discretion of the Magistrate who will deal with each case. This will ensure, I think, that a person has been stopped from pursuing his criminal tendencies. We all know that in the Punjab unfortunately in various places offences of theft, dacoities and other such like offences, are committed by persons who belong to different localities and different villages. They come together and of course trouble the administration and trouble the people. If this Bill is adopted and those persons are restricted to their villages, then it is perfectly clear that such persons will be disabled from mixing with their associates and they will not be able to commit offences. So I do not think there is any harshness in the measure. It has been made clear in the report of the Select Committee on the Bill that it is only one sort of order that the Magistrate will be able to pass. I do not think that there is any necessity now to criticise those measures on which only Magistrates can pass orders on taking securities. Those orders, even apart from this Act, have been allowed under section 110. If this Act is not passed the powers are there and they can be exercised against such persons who come within its purview. Therefore the only question that this Council is now called upon to decide is whether they are much more harsh or much more humane. My contention is that they are not harsh. They are mainly in the interests of persons concerned, they are in the interests of the society and in the interests of the administration. Experience has shown, as very rightly pointed out by the Hon'ble mover, that in the case of returned emigrants this measure of restriction to their villages has been found most useful. Since that measure was adopted their bad tendencies have been removed. There is every reason to believe that if this Act is passed into law it will most probably be useful.

"As regards the agency of the police, the police has to deal with such persons. It is their duty and of course there are the safeguards. There

[*Diwan Bahadur Diwan Daulat Rai ; Mr. Craik.*]

is the agency of lawyers that can be engaged and of course all these methods, their actions, their interestedness, can be brought to the notice of the presiding Magistrate. As regards lambardars and other zaildars, I think we have to bear in mind that these are the best persons in the society upon whose help the administration must necessarily depend. Here and there there are cases of enmities and interestedness and so on, but those cases can be brought to the notice of the Magistrate who tries the case. I have no doubt that when such is the cases, no action under this Act or even section 110 will be taken by any Magistrate.

"Therefore, Sir, I give my cordial support to the measure, subject to my right of supporting any amendment which might be brought forward before this Council."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—

"Your Honour,—I am also one of those that accorded a support to the general principle underlying the Bill when the Bill was circulated for opinion. I still think that the intentions with which the Bill was circulated were really very good and there can be no dispute about that. But on further consideration and on consulting a large number of persons who could have given an opinion on a subject like that, I am afraid I must regret that I cannot accord the unqualified support to the Bill which is given by my Hon'ble friend Sarlar Gajjan Singh. In the opinion which I sent in to the Hon'ble Member-in-charge about a year and a-half ago I said that a man should be at least twice convicted of an offence relating to the person, and that I consider also to be the opinion of those who were responsible originally for the proposition as embodied in the enactment under discussion. I spoke to the Hon'ble Member-in-charge this morning whether he was prepared to have an amendment in the provisions of the Bill so as to define 'habitual offender' in this enactment. If I may have his permission to say so he allowed me to move an amendment without promising to support it. That is to say, the word 'habitual offender' in the Act should take more or less the form of the proposition like this, that a habitual offender within the meaning of the Bill would be an offender who has at least been convicted once of the offence relating to property. My submission is that if we take into consideration the very important fact, namely, how easily such charges as defined in section 110, Criminal Procedure Code, are made, and how readily they are accepted by the Magistrate—taking all that into consideration, it becomes rather a very serious consideration whether we should accord our cordial support to the Bill as it has been dealt with by the Select Committee. I have no doubt that the legal gentlemen who have spoken on the subject have spoken more or less from their own experience, and I beg to submit that my experience of this provision which has unfortunately been with criminals day and night gives me an idea that a measure like that, if put on the Statue Book without an amendment, which I wish later on to move with Your Honour's permission, would be a hardship, and I am afraid it will be inconsistent with the requirements of criminal justice. So far as the police is concerned, it is my sad experience that whenever the police want any proposition substantiated they have the lambardars and zaildars at their disposal. Then there is a further proposition, Your Honour, that there are factions in almost all villages. However anxious I am to support the general principles, I am sorry that with the existing state of our villages it is impossible to support the Bill. Without the definition of the word 'habitual offender' I am not in a position to give any support to the Bill."

The Hon'ble Mr. Craik :—

"I should like at this stage to offer a word of explanation for the Hon'ble Diwan Daulat Rai's information. The Hon'ble Member mentioned to me after I

[*Rai Bahadur Chaudhri Lal Chand ; Mr. Parker ; Rai Bahadur Raizada Bhagat Ram.*]

had come into this room this morning that he intended to move an amendment to the effect that the word 'habitual offender' should be defined in the Bill. I pointed out that he was striking at the principle of the Bill, but I was at first inclined to agree that I would not object to the amendment being moved. But, as under the rule of this Council unless three clear days' notice is given to the Secretary an amendment cannot be moved, I considered the matter later to see what the effect of such an amendment would be and I revised my former opinion. I found that such an amendment would mean an entire recasting of several sections of the Bill and the Hon'ble Member was therefore not justified in assuming that I had agreed to the discussion of such an amendment."

The Hon'ble Rai Bahadur Chaudhri Lal Chand :—

"Your Honour, as a member of the Select Committee appointed to report on this Bill I think I might say a few words. I am afraid I must begin with an explanation. The Hon'ble Member in charge of the Bill, will, I hope, bear me out when I say that want of a proper definition of 'habitual offenders' was brought to the notice of the Select Committee by me, and it was after a great deal of discussion on the point that I withdrew my suggestion. The reason was that we could not find means to avoid evidence of general repute as we could not go beyond the sense of section 110 of the Criminal Procedure Code.

"It is really beyond the province of this Council to amend sections 110 and 117 (3) of the Criminal Procedure Code, and the evidence of general repute will be admissible even though it be the testimony of the much maligned zaildar and the oath of the cursed lambardar. We are not discussing here whether the security sections should remain part of our Criminal Law or not but we are only considering whether a habitual criminal may be restricted to a particular area instead of being required to furnish security. I see no harm in the measure and support the principle of the Bill."

The Hon'ble Mr. Parker :—

"Your Honour, this Bill provides an alternative procedure or method of dealing with habitual offenders under section 110. The suggestion on my right is that we should amend section 110 of the Criminal Procedure Code by adding an explanation that it should apply only to those convicts who have at least one conviction. I think the alternative method provided by this Bill would benefit in two ways. There are two classes of persons, one who cannot easily get security, and others who can very easily provide security. The criminals who know that they will be convicted very easily provide the security. This is a very harmless measure and will be very useful."

The Hon'ble Rai Bahadur Raizada Bhagat Ram :—

"It is undoubtedly, Your Honour, a contentious and complicated measure, and this is clear from the fact that some of the Hon'ble Members of the Council who sent their opinions on the Bill when it was circulated for opinion, have changed their mind and have formed opinions entirely different from those which they had expressed at the time when the Bill was circulated for opinion. I beg to offer no apology of that kind, because from the very beginning when I received the Bill my opinion was that it was not a proper measure, and I expressed my view that it is not a fact that the provisions of the Criminal Procedure Code are not adequate, and that those provisions as they stand are ample to meet the case of those people who have the reputation of leading a bad life. Your Honour, although this point is not directly before the Council, the present provisions of section 110 are salutary in some respects and are very harsh. Your Honour, I may draw the attention of the Council to a ruling of the Chief Court on that point. In 4 of 1908 it is stated that the

[*Rai Bahadur Raizada Bhagat Ram.*]

provisions of section 110 are often a means of unfair punishment against suspected persons, and it is notorious that they are used to blacken the character of an enemy and to satisfy the feelings of spite and hatred. My own experience is that the expression of opinion by the Hon'ble Judges is perfectly sound, and that no doubt that out of cases started under section 110 a large majority are those which have their foundation in the feelings of spite and hatred as expressed in that judgment. The provisions are so simple and these being exceptional cases the law of evidence is not admissible. In any case section 117 of the Criminal Procedure Code provides that on hearsay evidence of a few witnesses coming forward and saying that such and such a person has a bad reputation in the village it will be sufficient if the provisions of section 110 were put into action. Therefore it is a measure which has been characterised by eminent judges as a very harsh measure, which is used to harass people even though they may be innocent of having committed any offence. I submit, Your Honour, we are not concerned with section 110 of the Criminal Procedure Code. The chief difference of powers which the present Bill gives to the Magistrate is this that instead of sending a man to the jail he is interned in a certain area. The Hon'ble mover as well as the Hon'ble Sardar Gajjan Singh characterised this amendment as a very humane one, but I regret very much, Your Honour, that I consider that I have some unpleasant experience of cases in which men have been interned under the Defence of India Act.

"In the Jullundur Division alone numerous cases have been started against those people for the violation of the provisions of the Defence of India Act and with the exception of one, in which the appeal was accepted by the Sessions Judge, in every case they have been convicted. The findings of the court may be good, but they were very hard. I may mention only three cases. In one case a man who was interned finding that no villager came to his help and his poor mother was dying he left the village to get some medicine from the hospital, but instead of being allowed to go back to the help of his mother he was arrested by the police, chalaned, sent before the Magistrate and convicted. Another case which I am just quoting from memory is this. In that case a man was actually hit by the lambardar. According to the rules which prevailed in Jullundur he could not leave his village even though the lambardar actually assaulted him. The man came to the thana to make a report and instead of getting redress the man was arrested, prosecuted, and convicted. The third case, if I remember rightly, is this. The man heard that the Deputy Commissioner was in a village close by. He was interned in his own village. His lands were in the adjoining village. The man wanted to put an application to the Deputy Commissioner who was next door to the thana. So he goes to the thana, but instead of his report being recorded and instead of his being allowed to go to the Deputy Commissioner he was arrested and convicted, getting three months' imprisonment. So, Your Honour, I said from the very beginning that this measure was not a proper one, and I consider that we are giving weapons in the hands of persons who really cannot be relied upon, and my firm conviction is that this measure will not be popular. The fact that the internment will allow a man to live in a certain area may be a concession to that man, but if a man is able to furnish security, why not put him on security. There are then people to take an interest in that man so that his ways and manners may be reformed? But in this case the habitual offender will be free to do whatever he likes according to his inclinations, and therefore though this may be in a manner a concession to the person who is so bad that he is unable to furnish a security and for whom nobody in the village comes forward to stand surety and who would ordinarily be sent to jail, yet it is a concession against which I protest as there are no safeguards. For these reasons I beg to oppose the Bill."

[*Khan Bahadur Malik Muhammad Amin ; Khan Sayad Makhdum Rajan Shah ; Rai Bahadur Ram Saran Das ; Mr. Craik ; Khan Bahadur Sayd Mehdi Shah ; Nawab Sir Behram Khan ; Khan Sahib Mirza Ikram Ullah Khan.*]

The Hon'ble Khan Bahadur Malik Muhammed Amin Khan said that the term "habitual offender" should be defined to mean an offender who has been twice previously convicted.

The Hon'ble Sayad Makhdum Rajan Shah spoke in Urdu and opposed the Bill.

The Hon'ble Rai Bahadur Ram Saran Das :—

"Your Honour—I support the views expressed by my friend Hon'ble Khan Bahadur Malik Muhammad Amin Khan. If the 'habitual offender' be not defined as proposed by him I will oppose the Bill."

The Hon'ble Mr. Craik :—

"The words 'habitual offender' are defined in the Code."

The Hon'ble Rai Bahadur Ram Sara Das :—

"I want it defined as proposed by the Hon'ble Malik Muhammad Amin Khan."

The Hon'ble Khan Bahadur Syad Mehdi Shah spoke in Urdu :—

"Your Honour—I support the Bill. In my opinion there is no better machinery than of lambardars and zaildars. In my opinion nothing can be said against a law which has these people to administer it. My own experience is that these people are useful in the reduction of crime. Further, I would urge that if you send a man to jail, he becomes a confirmed criminal, whereas here there is a chance of reforming himself. Unless, there is such a measure as is now proposed there can be no peace in the villages. In the frontier such measures were adopted with great success. I strongly support the Bill."

The Hon'ble Nawab Sir Behram Khan spoke in Urdu :—

"I support the Bill. This Bill should be limited to persons who have two or more convictions against them."

The Hon'ble Khan Sahib Mirza Ikram Ullah Khan :—

"I agree with the views expressed by the Hon'ble Malik Muhammad Amin Khan that the Bill should apply to persons with at least two convictions."

The Hon'ble Mr. Craik :—

"Your Honour,—I confess I am rather surprised at the opposition which this Bill has received to-day. One Hon'ble Member has even gone so far to describe it as the 'worst engine of oppression ever forged by a civilised government,' but I presume that is the language of hyperbola and can hardly think the Hon'ble Member means it seriously. It is certainly surprising to me that Hon'ble Members who accepted the principles of the Bill when it was circulated should show hostility to it to-day. When the Bill was circulated 2½ years ago there was hardly a single dissentient voice. The Hon'ble Raizada Bhagat Ram said that he has all through opposed the Bill. His impression, I am sorry to say, is incorrect. If I may be allowed to quote his opinion it was to the effect that on the whole he was in favour of the Bill. But now he says that he is opposed to it. The Hon'ble Member went out of the way to inform the Council that though from the point of view of a habitual criminal it might be a humane measure, he opposes it from the point of view of the administration. He is opposed to restricting to his village a person whom you have the power to confine to jail on his failure to furnish security. Yet in his written opinion the Hon'ble Member submitted that the provisions of this Bill would be found very useful in certain cases, particularly in cases where a person in respect of whom security is demanded is

[*Mr. Craik ; Diwan Bahadur Daulat Rai ; Mr. Fazl-i-Hussain.*]

unable to provide sureties and has to go to jail. An order restricting his movements to a certain area, or to report himself at prescribed times and places, would, the Hon'ble Member wrote, save him from imprisonment.

"The other Members who have changed their opinion on the present Bill are the Hon'ble Pandit Sheo Narayan and the Hon'ble Dewan Daulat Rai. I congratulate them on having the courage to admit that they have completely changed their views, but I am entitled to point out that very little assistance is furnished to Government if Hon'ble Members of this Council, to whose opinions the Government attaches so much importance, first inform Government during the early stages of a measure that they are in favour of it and then turn round and propose amendments that practically involve its total rejection in Council."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—

"I have said so just now and I can assure the Council that I have no doubt that the Bill in its original form would be most beneficial if the word 'habitual offender' is defined to mean a person against whom there have been previous convictions."

The Hon'ble Mr. Craik :—

"The Hon'ble Member should have submitted his amendment in time. Only three days' notice is required and yet not a single member took the trouble to draft an amendment in time. The Hon'ble Mr. Fazl-i-Hussain made a suggestion to the effect that a number of Hon'ble Members in their opinions had taken the same view as Diwan Daulat Rai. I can assure him that he is entirely wrong. The Hon'ble Dewan Daulat Rai is the only Member who took that point. Now as to this question of 'habitual offender' the Hon'ble Mr. Fazl-i-Hussain speaks throughout as if the habitual offender is a person convicted or suspected of an offence. 'Habitual offender' is defined in sections 109 and 110, Criminal Procedure Code. He is a person who is by habit a robber, house breaker, thief, receiver of stolen property or one who habitually protects or harbours thieves, habitually commits mischief or habitually commits certain other offences or is of so desperate and dangerous a character as to render his being at large without security hazardous to the community. There is a world of difference between that and being suspected of an offence. If a man is once suspected he has not become a habitual offender and moreover mere suspicion is not enough. There has to be definite evidence of general repute. It is misrepresenting the Bill altogether to say that it will have the effect of confining to a definite area people who are suspected of having committed an offence. The Hon'ble Mr. Fazl-i-Hussain admitted that he approved of the object of the Bill and he agreed with me that the security sections of the Criminal Procedure Code have very little effect in use.

The Hon'ble Mr. Fazl i-Hussain :—

"I quite agree."

The Hon'ble Mr Craik :—

"But he spoke in favour of the suggestion made that the habitual offender should be dealt with under the Criminal Tribes Act. Before I go further I would like to explain that the Hon'ble Member is under the misapprehension that there has been any widening of the scope of the Bill, because its title has been changed from 'the Habitual Criminals Act' to 'the Habitual Offenders Act.' That change is merely this: the noun 'criminal' is not used in the Criminal Procedure Code or so far as I am aware in any legal enactment in force in India. The word 'Criminal' is used as an adjective and never as a noun. The word 'offender,' on the other hand, is defined in the Criminal Procedure Code and that was the reason why we have changed the title from 'habitual criminals' to 'habitual offenders.'"

[*Diwan Bahadur Daulat Rai ; Mr. Craik ; Rai Bahadur Ram Saran Das.*]

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—

"I am not yet quite sure whether it is defined in the Criminal Procedure Code."

The Hon'ble Mr. Craik ;—

"I think it is defined in the Criminal Procedure Code. I understand that the Hon'ble Mr. Fazl-i-Hussain prefers to deal with habitual criminals or offenders by the machinery of the Criminal Tribes Act. The suggestion seems to be of a very doubtful legality. It is impracticable to apply the Criminal Tribes Act to individual habitual criminals or offenders. That Act can only be applied to more or less organised gangs. To put its machinery in motion against individuals would be of very doubtful legality. That also disposes of the objections of the Hon'ble Bakhshi Sohan Lal, who also suggested that the Criminal Tribes Act might be usefully applied. As I have said the opinions received on this Bill which when circulated was practically in its present form, suggested only minor changes. All the Members consulted were almost unanimously in favour of the principle of the Bill. The only Members who were against it were the Hon'ble Mr. Fazl-i-Hussain and I think the Hon'ble Rai Bahadur Sohan Lal on the second circulation of the Bill. Otherwise the opinions of the Members, both elected and nominated, both rural and urban, were unreservedly in support of the principle and of the general objects of the Bill. Therefore it takes me by surprise that there should be this sudden opposition to it, based as I understand on a particular point as to whom it should apply. No Hon'ble Member has taken the trouble to send me an amendment on that point and it is only at the eleventh hour that the Council is asked to consider an amendment which strikes at the very root of the Bill and which would necessitate at least half a dozen elaborate and far-reaching amendments of various clauses of the Bill. I therefore move that this Bill be now taken into consideration."

The Hon'ble Rai Bahadur Ram Saran Das :—

"Your Honour, --I would suggest that the consideration of the Bill be postponed."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—

"That would be much more satisfactory."

The Hon'ble Mr. Craik :—

"I should have mentioned, Your Honour, that this point as to the definition of 'habitual offender' as a person with one or two convictions against him was considered by the Select Committee, and I think the Hon'ble Chaudhri Lal Chand mentioned just now he was at first in favour of making a change, but after discussion he withdrew his proposal and admitted that the amendment to be consistent should be made not in this Bill but in the Criminal Procedure Code. There is no reason I can see why we should differentiate in the definition of criminals between this Bill and the Criminal Procedure Code. There is no reason whatever why a person, who because of his general bad repute can be placed on security and in default of furnishing it can be confined to jail, should not be restricted to a particular area. It would be a much more humane and efficacious measure to restrict him to his village. The Bill is very largely based on the principle for which I am indebted to the Hon'ble Mr. Fazl-i-Hussain, who in his written opinion stated that it was generally known that it was etiquette amongst criminals not to commit crimes in their own villages or in their neighbourhood. They generally go far afield to commit their depredations. In

[His Honour the President.]

my opinion that furnishes one of the strongest arguments in support of the Bill as by keeping the criminal among his friends we reduce his opportunities for committing crime, as to do so he would have to travel far and run the risk of arrest."

His Honour the President:—

"Before putting the motion to the Council I wish to make one or two remarks. It is unfortunate that there has been such a difference of opinion at this late stage. It was understood at the last meeting of the Council that the measure not only in principle but in details was generally welcomed by the community at large and by the Hon'ble Members of this Council who represent the interests of this province. However, to-day that anticipation has not been realised, and there is not only some opposition to the details of the Bill but also to the principle. I cannot help thinking that this opposition is due to a large extent to a misunderstanding, and I am strengthened in that opinion by the fact that the Hon'ble Members who have been most vigorous in attacking the principles or the details of the Bill have approached the subject largely from a theoretical rather than from a practical standpoint. Most of them are lawyers whose knowledge of these questions is naturally second-hand. But I find the strongest support of the Bill has proceeded from the Hon'ble Members who are not only lawyers but also happen to be zamindars and are therefore in direct contact with the rural community whom the Bill mainly affects, and are in a position to know where the shoe pinches and how a measure of this kind will work in practice. The fact that the three Hon'ble Members, who have been on the Select Committee, have all vigorously supported the principle of the Bill and the details of the Bill, after having considered the Bill clause by clause in the Select Committee, and that those gentlemen have practical knowledge of rural conditions, is to my mind a very strong argument that Government is not making a mistake in proceeding with this Bill, and that, on the contrary, the Government is thereby acting in the best interests of the rural community. For the same reason I do not think that at this late hour of the discussion the principles of the Bill should be challenged in order that Government should now be asked to go back on the position which has been attained and again reconsider the question as to whether the scope of the Bill should not be restricted to offenders who have been twice convicted. The Hon'ble Member in charge and the Hon'ble Members of the Select Committee have explained that the whole Bill proceeded on the assumption that we were to take as our basis section 110 of the Criminal Procedure Code in which the term 'habitual offender' is explained and work out an alternative machinery for dealing with persons who come under the scope of section 110. The question before us is how can we improve the present machinery provided by section 110, and in considering this question it has been suggested that we should provide restriction as well as security. We must therefore proceed with the Bill on those lines. I think the Hon'ble Members who have to-day attacked the Bill were under a misapprehension as to the original intentions of the Bill. As the Hon'ble Member in charge has stated 'habitual offender' is explained in section 110. The Bill only deals with that class, and does not establish any novel procedure in regard to persons not included in that class. I hope that the explanation which I have now offered will supplement the remarks of the Hon'ble Member in charge and of the Members of the Select Committee, and make it clear to the Council what the intention of the measure is and why it is desirable to proceed with the Bill on the present basis.

"There is another point which the Hon'ble Sardar Gajjan Singh has made in support of the Bill, and it is that the restrictive measures adopted against the returned emigrants have proved extremely effective. I can support him in that. Several thousands of those emigrants were thrown in the hands of the Government three years ago and at the time there were

[*His Honour the President ; Mr. Fazl-i-Hussain.*]

two alternatives open to Government. One was that we should shut them all up till we had satisfied ourselves that they were not a danger to the public peace. Government considered that impossible. In the first place a great many of them were not tainted with seditious views, and it was not desirable to shut them up nor was it desirable to proceed with them in any indiscriminate manner. The other suggestion was that they should be restricted to their own villages, and when the Local Government was satisfied that they had reformed themselves the restrictions should be removed. The Hon'ble Mr. Bhagat Ram has pointed out some instances of hardship involved by internment orders. No doubt some flaws will be found in the working, when such numbers had to be dealt with, but if he brings those particular instances to the notice of Government, the Government will be very glad to do what it can to remove those hardships. The measure as a whole has worked with marvellous success. No doubt in some cases the men who were restricted to their villages subsequently joined revolutionary bands, and several of them were brought to justice. But in the vast majority of cases they gradually settled down under wholesome home influences, and out of those 3,000 people who were originally restricted it has now been found possible to release all except about five or six hundred men. The measures taken by the local officers, lambardars and zaildars have proved most effective, and the emigrants have reformed their habits to such an extent that we are now not only releasing them, but a considerable number have enlisted in the Army. That I think is a very strong argument in favour of the provision that the "habitual offenders" whom this Bill deals with be restricted as a rule to their own villages. In the first place, it prevents them from committing crime. As the Hon'ble Member Mr. Fazl-i-Hussain has explained there is a code of honour even among criminals, and according to it they do not commit crimes in their own villages. In the second place the influence of the lambardars and zaildars and their own relatives tends to bring about their reform. It was on these grounds that Government accepted the alternative of restriction as more humane to the criminal than sending him to jail in default of finding security. Our past experience goes to show that this measure has succeeded with one large class, and this gives us an assurance that it will be equally successful in dealing with another and perhaps more dangerous class, the class of habitual offenders as defined in section 110 of the Criminal Procedure Code. I will now put the motion to the Council."

The motion that the Bill be taken into consideration was put and agreed to.

The Hon'ble Mr. Fazl-i-Hussain—

"The amendment which stands in my name, Your Honour, refers to clause 3. It recommends that the words 'or in addition to so doing' be eliminated and that the word 'that' be substituted. Clause 3 of the Bill applies to the provisions of this Bill in two ways. The Magistrate may "in lieu of" or "in addition to" so doing require such person to show cause why an order of restriction should not be made against him. The object of the amendment is that instead of proceeding against the man in two ways in alternative it is better that the police should decide whether the man is to be bound over to keep the peace or to be simply restricted in his movements. That is to say, he should be subjected to one attack and not two. If the police are satisfied that this man is a man who commits offences outside the locality then obviously they will move that the man be restricted in his movements. There is no occasion to practically proceed in both ways and thus enlarge the scope of the inquiry. Why should they not be called upon to make up their minds whether the object is restriction or security? I submit that the measure will gain in despatch, if the man is open to one charge. If you tell him you are going to be restricted, the man will show cause against that, and if a man is to be restricted why leave the matter open? My submission is that it is unnecessary inasmuch as it will not tend to the efficiency of the administration, and I think this alternative pro-

[*Mr. Craik ; His Honour the President ; Mr. Fazl-i-Hussain.*]

cedure will confuse the issues, make the inquiry longer and necessarily involve expense to the person accused, and will not work for despatch. It is in that sense that I am placing this amendment for the consideration of the Council."

The Hon'ble Mr. Craik :-

"I am afraid I cannot agree with the Hon'ble Member. The Hon'ble Member claims that the amendment will lead to greater despatch. The object of clause 3 as it stands is not to enable the Magistrate to pass an order of restriction at the same time as an order of security. Under clause 7 the Magistrate can do one thing or the other. He cannot do both. But he can issue a notice to the person to show cause why he should not either be restricted or placed on security. Section 3 deals with the preliminaries and the issue of notice. It is for the Magistrate to decide which is more suitable, security or restriction, and how is he to do that till he has heard the evidence? If the amendment were carried, the Magistrate might issue notice demanding security and then find that a restriction order would be more suitable. The effect of the amendment would be that he would have to commence proceedings all over again from the beginning. The amendment would in practice merely mean delay; and that is the very thing we want to avoid."

His Honour the President :-

"Does the Hon'ble Member wish to press the amendment after the explanation now given?"

The Hon'ble Mr. Fazl-i-Hussain :-

"No."

His Honour the President :-

"The amendment is withdrawn."

The Hon'ble Mr. Fazl-i-Hussain :-

"The second amendment is, Your Honour, in clause 9. It is that in clause 9 the words 'is going to be' be substituted for the words 'has been.' Clause 9 deals with, I may mention, clause (2). As soon as the court has decided that the accused person is to be restricted the court proceeds to pass an order of restriction limiting the movements of the person convicted to a particular area. Then later on there is Section 10 which gives the District Magistrate certain powers to cancel or amend the order with reference to the particular area. That is to say—"

The Hon'ble Mr. Craik :-

"Section 10 does not give the power."

The Hon'ble Mr. Fazl-i-Hussain :-

"I stand corrected. I meant Section 11. Section 11 gives him the power to amend the order with reference to the accused person restricted. That is to say, there are two stages,—at one stage the court passes an order restricting him to a particular area, later on either the police or the accused find that that particular area is not suitable. So a motion has to be made before the District Magistrate that the order with reference to the area be varied. If the District Magistrate is satisfied that the area to which the particular accused person has been restricted is not the proper area, either on account of the lack of means of livelihood or that he is there likely to commit offences, and so on, he can change the area. I suppose that is the object of Section 11. My submission is this:—Why should we divide this decision into

[Mr. Fazl-i-Hussain ; Mr. Craik ; His Honour the President ; Rai Bahadur Raizada Bhagat Ram.]

two parts? In one case the man is restricted to a particular area. He is satisfied with it and then again he starts off to agitate the matter with a view to having the whole matter gone into again. Another order is passed with reference to that. My amendment is to the effect that as soon as the Magistrate has decided to restrict the man to a particular area the Magistrate should call upon him to show 'cause whether he has any objection to urge with reference to that particular area. The procedure that I suggest is very much like the procedure of Section 250 of the Criminal Procedure Code. That is to say, *A* has brought a complaint against *B*, and the Magistrate is of opinion that that complaint of *A* is frivolous and should not have been brought. As soon as the Magistrate has made up his mind that the complaint should not have been brought, under Section 250, Criminal Procedure Code, the Magistrate can call upon the complainant *A* to show cause why he should not pay compensation to the accused *B*, and after hearing his explanation proceed to pass an order on the point. My amendment of Section 9, paragraph 2, would be that as soon as the Magistrate has decided that this man must be restricted to a village, he should be called upon to show cause against that particular area.

"Supposing the man is able to say, Sir, I have got land in a neighbouring village and there is a large amount of it there, and I prefer to live there. If the Magistrate is satisfied that that is the more suitable village from that point of view, the Magistrate will pass an order accordingly. He says,—'all right, you shall be restricted to that village ;' and the fellow will be restricted to that village. It must be remembered—that this amendment curtails the expenses of the accused and also curtails the number of cases before the courts. If I have been sufficiently explicit on the subject, well and good. Otherwise I am prepared to explain further. The sole object of this amendment is to lessen the expense of the accused and to curtail criminal proceedings in court, enabling courts to decide matters once for all, as soon as possible."

The Hon'ble Mr. Craik—

"I cannot accept the amendment. I understand what the Hon'ble Member wishes is that a court should not restrict a person to any area unless it is satisfied that he has sufficient means of subsistence there."

The Hon'ble Mr. Fazl-i-Hussain—

"I mean that a court should pass an order of restriction restricting the accused person to a particular area, but before passing that order the court should call upon the accused to show cause against that specified area. If this is not done the accused will have to put in another application under Section 11 and this will mean a separate *missal* and that will take some time."

His Honour the President :—

"The obvious intention is to find out what will be the best area of restriction."

The Hon'ble Rai Bahadur Raizada Bhagat Ram—

"I support my Hon'ble friend. The result of the amendment will be that instead of one chance of making an application under Section 10 the accused will have two chances. At the time when the Magistrate is going to pass an order and has settled in his mind that the man should be restricted to a particular area at that time the accused may be called upon to make a statement against that particular area. There is absolutely no harm if this is done. He might be saved the expense of putting in another application and save time."

[Mr. Craik ; His Honour the President ; Raizada Bhagat Ram ;
Mr. Fazl-i-Hussain.]

The Hon'ble Mr. Craik :—

"I think the Hon'ble Member's amendment is unnecessary. Under clause 9 (1), the court cannot pass an order of restriction unless it is satisfied that the person has adequate means of subsistence. If you take the amendment word by word and substitute 'is going to be' for 'has been' it will read :— 'If at any time any person against whom an order of restriction is going to be passed under this Act satisfies the Court or Magistrate passing the order or the District Magistrate that he has no sufficient means of earning his livelihood within the area to which he is restricted, the Court or Magistrate shall change the area.' That is to say, an area that has not yet been fixed will have to be changed."

His Honour the President :—

"Surely the best way would be obviously to act under section 9, and inquire from the accused about the place to which he is to be restricted. In the rules to be made in section 16 it will be laid down that the Magistrate should inquire, before passing an order under section 9, from the accused person as regards the area of restriction and he would consider his objections before passing the order."

The Hon'ble Raizada Bhagat Ram :—

"It would simply save time."

The Hon'ble Mr. Craik —

"Does it satisfy the Hon'ble Member ?"

The Hon'ble Mr. Fazl-i-Hussain —

"On that point I can assure the Hon'ble Member-in-charge that clause 16 cannot possibly be availed of to regulate the proceedings of courts. Under clause 16 we have the power to make rules with reference to certain things within the power of Government. The procedure of the judicial courts will not come under that. I regret that the Hon'ble Member-in-charge has not seen his way to accept the amendment that I have suggested for this reason that at present the initial order issued under security proceedings states in general terms two things. The first is the period for which the security is demanded and secondly the amount of security and in both cases the period and the amount are given by the police officer on as high a figure and as long a term as possible and it is within the discretion of the Magistrate to reduce the period as well as the amount of security demanded. Then in the course of the inquiry the question of the financial position of the accused also comes in in order to determine whether he should be called upon to furnish a security for Rs. 100 or Rs. 1,000 or more. When the order of restriction forms part and parcel of the—"

The Hon'ble Mr. Craik —

"I rise to a point of order. The Hon'ble Member is dealing with section 9 (2)."

The Hon'ble Mr. Fazl-i-Hussain —

"I was trying to explain that just as the question of the amount of security or the period for which the order of security is going to remain in force becomes a part and parcel of the inquiry, similarly the question of area to which a person is to be restricted will form part of the inquiry the Magistrate is conducting, and all that is needed is that the Magistrate should not pass an order without giving the accused a chance of showing cause against the

[*Rai Bahadur Raizada Bhagat Ram ; Mr. Craik ; His Honour the President ; Mr. Fazl-i-Hussain.*]

particular area to which he is to be confined. The Member-in-charge has stated that the area has never yet been specified and this is not correct. As soon as proceedings are started against the man who has been called upon to show cause, an area will have to be specified, however, tentatively it may be done in the beginning. The fact that you are going to be restricted in your movements implies at once that some area will have to be mentioned by the prosecution and my contention is that to begin with you specify a very large area or a very very small one. Now, naturally, the accused may not have his attention fixed in the beginning on the question of area, hoping that he is not to be restricted at all. In that case if his hopes are frustrated and the Magistrate is going to pass an order of restriction against him where is the harm in showing cause against the particular area to which he is going to be restricted. With reference to the objection that it will make no saving of time, I do not see any basis for that objection. If at any time any person against whom an order of restriction is going to be passed under this Act satisfies the Court or Magistrate passing the order or the District Magistrate that he has no sufficient means of earning his livelihood within the area to which he is restricted, the Court or Magistrate shall change the area. It contemplates the fact, Your Honour, that there must be the issue of notice to the accused that you are going to be restricted to a particular area just as is done in the security proceedings. There is always invariably a specification of the amount of security as well as of the period for which he is going to be bound over. As a matter of fact, the Hon'ble Member, who has had experience as a Judicial officer, might have decided cases in which a man is served with a notice and is called upon to furnish security for five hundred rupees. During the investigation, it transpires that he is a very rich man. You cannot call upon him to give security for a larger sum than that specified in the beginning. Similarly it must follow, so far as I can see, inevitably that the same area will have to be specified in the notice and it will be open to the Magistrate to change it, and for the accused to show cause against it, and I do not see what objections can be urged against it."

The Hon'ble Rai Bahadur Raizada Bhagat Ram :—

"I want to make a suggestion, that instead of the area which my learned friend wishes to specify we might alter the context. In clause (1) after the word 'satisfied' we might add 'by evidence or from inquiry' or 'by inquiry from the accused.'"

The Hon'ble Mr. Craik :—

"I am prepared to accept the insertion of the words 'after inquiry.'"

His Honour the President :—

"I think the words 'after due inquiry' should be added. That will make the certainty doubly sure. Does the Hon'ble Member agree?"

The Hon'ble Mr. Fazl-i-Hussain :—

"Yes, Your Honour, I agree to this."

The Hon'ble Rai Bahadur Raizada Bhagat Ram :—

"It will meet the requirements if the words 'after due inquiry' are inserted."

"In the provisions of the present Act, when an inquiry is to be made the first thing that the Magistrate will have to do will be to make the same inquiry, as he now makes, under section 110, Criminal Procedure Code, *i.e.*,

[*Mr. Thompson ; Rai Bahadur Raizada Bhagat Ram ; Mr. Fazl-i-Hussain ; Mr. Craik.*]

whether the man is a habitual offender or not. The inquiry will be limited to that. Then if the Magistrate intends to intern him in a particular area, further inquiry will be needed with reference to that point whether he has the means of livelihood or not."

The Hon'ble Mr. Thompson :—

"May I ask, Sir, whether we cannot proceed on the analogy of section 250, Criminal Procedure Code, which says that the Magistrate may in his discretion direct the person, upon whose complaint and information the accusation was made, to pay to the accused or to each of the accused where there are more than one, such compensation as he thinks fit, provided that before making any such direction, the Magistrate shall record and consider any objections which the complainant or informant may urge against the making of the direction."

The Hon'ble Rai Bahadur Raizada Bhagat Ram :—

"That would serve the purpose."

The Hon'ble Mr. Fazl-i-Hussain :—

"This is exactly what I wanted."

The Hon'ble Mr. Craik :—

"The proviso would then run as under :— ' provided that before making such order, the Court or Magistrate shall record and consider any objection which such person may urge in regard to the area proposed.' Clause 9 would be amended by the addition of this proviso."

The Hon'ble Mr. Fazl-i-Hussain then withdrew his amendment to clause 9, and in its place the following motion—that to clause 9 (1) the words "Provided that before making such order the Court or Magistrate shall record and consider any objection which such person may urge in regard to the area proposed" be added—was put and agreed to.

The Hon'ble Mr. Fazl-i-Hussain :—

"The next amendment is with reference to clause 11 of the Bill and is as follows: 'In clause 11 insert at the request of the person restricted' after the word 'time.' It is simply what Your Honour said 'making certainty doubly sure.' The idea is that as soon as a man is restricted, contrary to his expectations he may not have the means of earning his livelihood in that particular area. It was to cover a request like that that the provision has been made in this clause, and it was not intended that the prosecution also should shift him from place to place. The amendment is that the District Magistrate may at any time 'at the request of the person restricted by an order of restriction passed under this Act' change the area to which the movements of that person have been restricted, and the proviso in that case goes out. I do not see if a person is restricted to a particular area that an occasion can arise when the prosecution can desire to dislodge him from that particular area to another area. My suggestion is that the proviso may be omitted and that words 'at the request of the person restricted' be added between 'time' and 'change' in the second line of that clause."

The Hon'ble Rai Bahadur Raizada Bhagat Ram :—

"The amendment will mean that only the person concerned can move the District Magistrate."

[*Mr. Fazl-i-Hussain ; Rai Bahadur Baizada Bhagat Ram ; Mr. Craik ; His Honour the President.*]

The Hon'ble Mr. Fazl-i-Hussain :—

"This is the object of the amendment. Once a man is restricted to a certain area, the police should be satisfied with it and the change of area should take place at the request of the person actually concerned.

The Hon'ble Rai Bahadur Raizada Bhagat Ram :—

"I oppose the amendment."

The Hon'ble Mr. Craik :—

"I also oppose the amendment. Ordinarily any change in the area of restriction would be made at the request of the person restricted. In that case he would make his request under clause 9 (2). But the Court must also be given the power to initiate the change of area, or else the clause would be incomplete. Suppose a restricted person has fallen into the company of professional offenders and gamblers, in such a case it would obviously be desirable to remove him. It might also be desirable to remove a man from a village where he had found difficulty in earning his livelihood and place him in one of our settlements. We must reserve to the District Magistrate the power of changing the area."

His Honour the President :—

"Does the Hon'ble Member still desire to press the amendment?"

The Hon'ble Mr. Fazl-i-Hussain :—

"May I say just one word in reply? My submission is this that the arguments advanced by the Hon'ble Member-in-charge are firstly that if the village to which the man has been restricted is infested by dacoits, in that case it is desirable to protect this man against the contagion, the administration should have the chance of removing him to a healthier atmosphere where his morals will not be demoralised. The administration will surely take the chance of protecting that village and thus the man can go on associating with these village men. That danger does not seem to be very real. In any case I do not think that that is an argument against my amendment. The second is that he may not have any means of livelihood at all and in that case we may find it necessary to put him in one of our settlements which we have got for criminal tribes. That argument to my mind is an argument against the Hon'ble Member-in-charge, because surely the object of these proceedings, even with the power given to the court to restrict the person to an area, is not really to make him a member of criminal tribes. Both these contentions that have been put forward by the Hon'ble Member-in-charge do not stand in any way against my proposal. I certainly do think that once an order of restriction is passed, the prosecution and the police should not be allowed to proceed any further. They have done what they could have done and they should not be allowed, to put it more colloquially rather than academically, to harass the man any more."

His Honour the President :—

"Supposing the village is washed away by floods or is required for a railway or canal."

The Hon'ble Mr. Fazl-i-Hussain :—

"I can assure you, Your Honour, that in that case the accused person will go to the court and say, please let me go. It will not be necessary for the prosecution to take the trouble of making the application on his behalf. What I mean is that at present under section 110 of the Criminal Procedure Code once the court has demanded security and the order is complied with, the

[*Mr. Fazl-i-Hussain ; Mr. Craik ; Pandit Sheo Narain.*]

court cannot have that altered during the period of that security. Nor can the period be extended as long as the period has not expired, and some time must elapse before the court can find that the man is at fault. Why should in the case of an order of restriction, an amplification of powers at the same time be allowed? Substitute the order of restriction in place of security, but you should not have the power of changing that order of restriction against the accused during that period inasmuch as you have not got that power, with reference to the power of security. If I may say so probably this would be going beyond our powers. That is to say we are effecting an alteration in the powers which can be exercised under section 110; not only by amplifying that power in the way of introducing the order of restriction but also amplifying our powers to change that order of restriction from time to time. It has been stated that my amendments are from the point of view of the accused. Undoubtedly they are. Because here the question is of the curtailment of the liberty of the subject and from that point of view surely I have framed my amendments in order to see that that liberty is curtailed as little as possible, in order to protect the interests of society at large. Surely it is in the interests of justice and in the interests of society at large that the present amendment is moved."

The Hon'ble Mr. Craik :—

"I am still unconvinced. As I have already told the Hon'ble Member, Section 11 will be made use of by the District Magistrate only in exceptional circumstances. Ordinarily the area would be changed at the request of the accused. But it is absolutely essential to retain the powers to change the area in the hands of some authority without the consent of the accused person. In certain circumstances an order of restriction may cease to be suitable from the point of view of the restricted person's neighbours or of the administration, we should therefore retain the power not, as the Hon'ble Member observed, in the hands of the Magistrate but in the hands of the District Magistrate to vary the order in cases of necessity. That power will be sparingly exercised and only in a very small percentage of cases will it be exercised at all, but it is essential that it should be retained. The criminal might refuse to move from the area which has become altogether unsuitable for his residence. Under the amendment the administration would be perfectly helpless. I therefore oppose it"

The Hon'ble Pandit Sheo Narain :—

"Is the order under Section 11 open to revision?"

The Hon'ble Mr. Craik :—

"I think it is open to revision."

The motion that the words 'at the request of the person restricted' be inserted after the word 'time' in clause 11 was put and negatived.

Adjournment.

The Council adjourned to the 7th February 1918.

S. W. GRACEY,

LAHORE,

Secretary, Legislative Council, Punjab.

The 6th February 1918.

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 Government of India Act, 1915.

THE Council met at Government House, Lahore, at 10-30 A.M., on Thursday, the 7th February 1918.

PRESENT:

His Honour Sir MICHAEL FRANCIS O'DWYER, G.C.I.E., K.O.S.I., I.C.S.,
Lieutenant-Governor, *Presiding.*

The Hon'ble Mr. JOHN PERRONET THOMPSON, I.C.S.

The Hon'ble Mr. JAMES ALEXANDER RICHEY.

The Hon'ble Mr. HERBERT JOHN MAYNARD, C.S.I., I.C.S.

The Hon'ble Mr. OSWALD FARQUHAR LUMSDEN, I.C.S.

The Hon'ble Nawab Sir BAHRAM KHAN, MAZARI, K.O.I.E.

The Hon'ble Sardar Bahadur Sardar GAJJAN SINGH.

The Hon'ble Chaudhri LAL CHAND.

The Hon'ble Khan Bahadur Sayid MEHDI SHAH.

The Hon'ble Rai Bahadur RAM SARAN DAS, C.I.E.

The Hon'ble Rai Bahadur Pandit SHEO NARAIN.

The Hon'ble Mr. WILLIAM FREDERICK HOLMS.

The Hon'ble Rai Bahadur BAKHSHI SOHAN LAL.

The Hon'ble Mr. JAMES CURRIE.

The Hon'ble Sayad MAKHDUM RAJAN SHAH.

The Hon'ble Mr. CREWE ARMAND HAMILTON TOWNSEND, I.C.S.

The Hon'ble Mr. CHARLES JOSEPH HALLIFAX.

The Hon'ble Khan Sahib Mirza MUHAMMAD IKRAM ULLAH KHAN.

The Hon'ble Mr. EDWIN WOODALL PARKER.

The Hon'ble Mr. HENRY DUFFIELD CRAIK, I.C.S.

The Hon'ble Khan Bahadur Malik MUHAMMAD AMIN KHAN.

The Hon'ble Colonel HAROLD HENDLEY, M.D., I.M.S.

[*Mr. Fazl-i-Hussain.*]

The Hon'ble Mr. STEPHEN WILLIAM GRACEY, I.C.S.

The Hon'ble Sardar Bahadur Risaldar PARTAP SINGH.

The Hon'ble Khan Bahadur Mian FAZL-I-HUSSAIN.

THE RESTRICTION OF HABITUAL OFFENDERS (PUNJAB) BILL.

The Hon'ble Mr. Fazl-i-Husain :—

“Your Honour,—Amendment No. 4 that I beg leave to move is that clause 12 of the Bill be omitted. The object of clause 12 of the Bill is twofold, firstly, to give the Bill a retrospective effect, that is to say, with reference to those persons who have been found guilty under Section 110 before the passing of this Bill. The Bill contemplates that those persons could be restricted under the Bill during the period for which they are bound over under their security bonds. My amendment has the effect of doing away with this retrospective effect of the Bill. I claim that the Bill should not have a retrospective effect and that the persons who are bound over to keep the peace should remain bound over during the remaining period of their bonds. As soon as their bonds expire and they are released from those bonds, if the police find that they are misbehaving themselves, then they have a right to proceed against them under this Bill and pray for their being restricted. My contention is—no case has been made out to give this Bill a retrospective effect. This is one part of my amendment. The second part is that so far as the future is concerned according to the present clauses of the Bill it is open to the Magistrate either to take security or to pass an order of restriction, presumably for one or two years, and in some cases for a period extending to three years. It should not again, my contention is, be open to the police to have that order of security changed into an order of restriction. It should not be open to the police to do so. All I can urge in support of it is that after all we should pay some regard to the expression of opinion by the Hon'ble Judges of the Chief Court to the effect that if the persons who have the power to chalan a man to have him brought to justice, secure an order from a court of justice binding him over to be of good behaviour for a number of years, they should leave him there. If during that period he commits an offence, provided that offence can be proved against him, he can be brought to justice, convicted and sentenced to imprisonment and in that case he will also forfeit his security bond. If he does not commit any offence during that period, why obtain an order of restriction against him? It seems to me that that practically amounts to what may be called harassing a person. It should not be left in the hands of the police to do so. One more reason. Suppose the police wanted a man restricted and not simply bound over to be of good behaviour, but the Magistrate has only given an order that he should be bound over on security for a year. If we believe that the police officer is a human being, and undoubtedly he is, he would naturally not like that his prayer for an order of restriction had been rejected by the Magistrate. He will in all probability try to justify his request and practically go on hammering on the first point that he was trying to bring before the court and go on with it till he gets the order of security changed into one for an order of restriction. That is not desirable. If we allow clause 12 to stand as it is, it will be easy for the police to get an order of security changed into an order of restriction. If we bind over a man, that ought to be sufficient and we should be satisfied with that. We should not let the matter remain

[Mr. Fazl-i-Hussain ; Rai Bahadur Chaudhri Lal Chand ; Rai Bahadur Pandit Sheo Narain ; Mr. Craik.]

in the hands of the police or any other executive authority to enable them to go on hammering at suspected persons.

"Here I may just explain myself with regard to the words 'suspected persons.' The Hon'ble Member-in-charge took exception to it. I have been talking of suspected persons very largely as persons against whom proceedings are being taken. While as a matter of fact if a person against whom proceedings are being taken is convicted of an offence, undoubtedly as soon as there is conviction, punishment follows as a matter of course. If he has committed an offence, he is punished for it, and there the matter ends. After that if he is suspected of criminal tendencies, so far as I can see both in common parlance as well as in legal vocabulary, he will be called suspected of criminal intentions. He has a previous conviction against him, and for the purposes of Section 110 he is a person suspected of criminal intentions. That is, Your Honour, the purport of this clause and of my amendment."

The Hon'ble Rai Bahadur Chaudhri Lal Chand :—

"Your Honour,—I oppose this amendment. This clause gives the District Magistrate power to release from jail all those who are there for want of sureties, and for that reason it ought to be welcomed rather than denounced. It appears that there is an impression that an order of restriction is a harsher measure than an order of security. It may be so in a few particular cases but it is not so in every case. Under the present law fresh notice for furnishing security cannot be given to a man who has already furnished security even though it may be clear that the same is not sufficient. Are we justified then to allow him to remain at large and commit all sorts of dishonest acts till the expiry of his term? I say no. Let a man be given every opportunity to defend himself and to prove his innocence, but once he is found to be a *badmash*, he should not be treated over leniently. We owe a duty to the public and public safety demands that we should put restrictions on the liberty of dishonest persons. The two provisos (a) and (b) furnish sufficient safeguard inasmuch as the period will not be more than that of the original order and the criminal will be given full opportunity of showing cause against the passing of the orders."

The Hon'ble Rai Bahadur Pandit Sheo Narain :—

"Your Honour,—I oppose this amendment because I doubt whether any purpose will be served by the amendment which my Hon'ble friend has proposed. The fact is that assuming there are certain persons in jail bound down under the chapters of the Criminal Procedure Code in default of furnishing security, their terms cannot be very long, at least the remaining terms cannot be long. There may be solitary cases of long terms here and there. I think it will perhaps be some relief rather than some discomfort to the person, who is in jail for not furnishing security, to be restricted to any particular area for the remaining time. I do not see much use in the amendment which my Hon'ble friend has proposed.

The Hon'ble Mr. Craik :—

"Your Honour,—The speeches which have just been made expose the fallacy of this amendment, and it is not necessary for me to say more than a few words. I do not think the Hon'ble Member quite appreciates the object of the section, it is intended to provide for three possible cases. The first reason for it is that a District Magistrate, when going round a jail, may find a number of persons in that jail who have been imprisoned in default of finding security. Under this section he will have the power to release them from jail and restrict them within a specified area. When going round the jail, he could order the cases to be sent up to him for orders under this section. I do not think any one can deny that that is a humane provision. It will also relieve the State of

[Mr. Craik ; Mr. Fazl-i-Hussain.]

the burden of supporting such prisoners in the jail. The second reason is to give the District Magistrate power to correct any errors of judgment by subordinate magistrates. A subordinate Magistrate may not exercise a wise judgment in sentencing a *badmash* to be restricted or placed on security. This section gives the District Magistrate power to correct any such mistakes. The third case is that to which the Hon'ble Chaudhri Lal Chand has alluded, *i.e.*, when a man has been placed on security and he finds that the amount of security is insufficient or a man may offer as sureties two persons who may be accepted or one person who may be accepted, and it may subsequently be found that the surety or sureties are men of straw who are totally unable to exercise any influence over the movements of the *badmash* and who will not be able, in case the *badmash* breaks the law, to produce him before the Magistrate. The case which the Hon'ble Member alluded to yesterday, which is reported in the Punjab Record, a case from Karnal, is an instance in point. In that case the Magistrate had passed an order of security and to the best of my recollection he accepted as sureties two persons, one of whom was in Delhi and the other was living in another distant place. There was no possibility of these men exercising any influence over the movements of the *badmash*, and the District Magistrate very naturally called upon the *badmash* to furnish as sureties two respectable inhabitants of Karnal town. Well, the decision of the Chief Court was that it was illegal to order fresh sureties. Once sureties have been accepted, no demand for fresh sureties can be made. The effect of this decision, which though perfectly sound in law, is that the security procedure in certain cases becomes an absolute farce. This clause is intended to provide against cases of that sort.

"I, therefore, regret that I am unable to accept the amendment.

"One more point that the Hon'ble Member took was that we should treat with deference the opinion of the Hon'ble Judges of the Chief Court on this point. Well, the Bill in its revised form was sent to the Hon'ble Judges for opinion, and their opinion was that the Bill as a whole is a very useful piece of preventive legislation. To the best of my recollection no exception was taken to any of its provisions."

The Hon'ble Mr. Fazl-i-Hussain :-

"Just one word, Your Honour, with reference to the criticisms made by my Hon'ble colleagues on the amendment. The first point is no doubt the strongest one. It is that in the jail there are certain men who have been ordered to give security but have failed to furnish it, and therefore it would be a very good thing to release them and restrict them to a certain village or villages. Now I should have been obliged if the Hon'ble Member-in-charge had given me an idea as to the number of persons in the Punjab jails who are in the jail because they have not been able to furnish the security that has been demanded from them."

The Hon'ble Mr. Craik :-

"I think I can safely say there are several hundreds of them in the Punjab jails."

The Hon'ble Mr. Fazl-i-Hussain :-

"If the fact is as the Hon'ble Member has stated I at once submit that a very good case has been made out against my amendment and in support of the clause as it stands. On that very ground I would not press the amendment which I have placed before the Council. I am obliged to the Hon'ble Member-in-charge for supplying the information."

The amendment that clause 12 be omitted was by permission withdrawn.

[Mr. Fazl-i-Hussain.]

The Hon'ble Mr. Fazl-i-Hussain :—

" Your Honour,—My next amendment is as follows :—In clause 13 omit ' other than a District Magistrate ' and substitute ' Sessions Judge ' for the ' District Magistrate. ' "

" With reference to clause 13 I would first state what the course of appeal is under the existing law. The course of appeal is from a Magistrate to the District Magistrate, and then there is a revision from the District Magistrate's order to the Chief Court. In those cases where a man has been called upon to furnish security for a period beyond one year, the course is for the case to go to the Sessions Judge for his information and for disposal. Under the Bill there is a change introduced, and the change is to the effect that there is no reference to the Sessions Judge, even if an order is for a period beyond one year. This, my submission is, is a very material point. These proceedings are, it should be realised not entirely executive proceedings. They are essentially judicial proceedings as well, and it seems to me that the past experience shows, specially with reference to the cases which have been cited by the Hon'ble Member-in-charge, that District Magistrates are inclined to take too much of an executive view of these cases. In the case from Karnal, 16 of 1905, to which reference was made, a point has been urged that the surety must belong to the place which is the residence of the accused person or the offender. I should submit that this is not at all necessary. What is wanted is that the accused person should realise that there is another man who stands surety for him, that he must execute a *Muchalka* and that if he commits an offence after that, he will involve himself, and his surety will also be responsible. That is a sort of pressure that the law brings to bear on him as a check to his evil tendencies. My submission is that that check can be exercised by a person standing surety, although he does not live in the same place in which the accused person lives. 16 P. R. of 1905, to my mind, by itself is the strongest possible proof in support of my contention. In that case I may state to the Council the Magistrate required the accused to furnish sureties which he duly did, and which were accepted by him. The Superintendent of Police, however, reported the matter to the District Magistrate. The District Magistrate, in exercise of some powers which the law did not allow him, had the man rearrested, cancelled his sureties, and sent the man to jail. The Sessions Judge reported the matter to the Chief Court saying that the District Magistrate's action was *ultra vires*, and he further ordered that the man be released on bail pending the disposal of the matter by the Chief Court. The case came before the Chief Court and the Chief Court confirmed the order of the Sessions Judge, and yet the Chief Court found that although the Sessions Judge had ordered the release of the man, the man was still in jail. The Chief Court had to proceed so far as to call for an explanation why the order of the Sessions Judge was not carried out. I may say that an executive officer on account of his functions as an executive officer unduly develops certain tendencies which are not as judicial as the tendencies of a Judicial Officer whom Government has appointed to work as Sessions Judge. The object of my amendment is that the Sessions Judge will be able to bring to bear a more judicial frame of mind on the cases of these persons than the District Magistrate. This is, to be frank, the object of my amendment which I have in view, and inasmuch as the Bill provides a severer punishment against the offender than that contained in Section 110 at present, my contention is that I am justified in requesting the Council to change the course of appeal from that which is provided in the Bill. I contend that as it is an exceedingly severe measure as compared with the security proceedings, there ought to be substantial changes in the course of appeal, and the appeal should go to a judicial officer who has no work other than that of a judicial kind, and that an overburdened District Magistrate, whose tendencies are more executive undoubtedly, should not be asked to decide appeals in these cases.

[Mr. Fazl-i-Hussain ; Rai Bahadur Bakhshi Sohan Lal ; His Honour the President.]

"One word with reference to the nature of the punishment which has been provided. It has been said again and again that it is a very humane proceeding and a very humane method of dealing with offenders. My contention is that it is really nothing of the sort. I feel rather strongly on the subject, and therefore I venture to place before the Council my exact opinion on the subject. A man confined in jail has no doubt his liberty altogether taken away because he has committed an offence, but the State takes, if I may say so, a very good care of him. At the same time the man has much better medical attendance than he can ever have outside the jail. The man, so far as clothing is concerned, is well provided for. He can ask somebody to look after his property. He is empowered, under the supervision of the Civil Surgeon, to execute any power of attorney he likes. He is safeguarded from the attacks of his fellow-prisoners and others. Nobody can attack him. As against that, Your Honour, imagine the case of a man restricted to a village. If he is attacked, he cannot proceed to the thana and report against his assailant. My Hon'ble friend, Raizada Bhagat Ram, told us several cases in which such hardships had occurred. An interned person was assaulted, he went to the thana to report the assault but he had to suffer for that because he had committed an offence at the same time in leaving the area of his restriction. Similarly, a man who is restricted within the boundaries of a village cannot go to the police or to a court of law without committing an offence. That is what it comes to. Take the case of serious illness. You know that every village does not provide a Hakim or Doctor. Suppose the man is ill and wants somebody who lives outside the village. What should he do? Or suppose he has a very dear friend outside the village, who is ill. Unless he is on very good terms with his Lambardar, he cannot get permission to go out of the village. He cannot offer any help to his nearest or dearest relatives who may be ill in a village quite close by. It involves a very serious hardship indeed. Then take the case of a village without post office and see how he can establish communication with others.

"It is only in order to explain my personal views that I have moved this amendment. I do not know whether my views are shared by other members. Thus the law of restriction is such a harsh one that if one had to choose between imprisonment and restriction, it is not an easy matter for a man to decide. There may be some who will prefer jail, and there may be others who will prefer restriction within a village."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—

"Your Honour,—As this Bill professes to follow the procedure laid down for the security clauses of the Criminal Procedure Code I would suggest that the orders of the subordinate Magistrates as well as of the District Magistrate should be governed as regards appeal and revision by the rules as might be made from time to time by the Chief Court. I would suggest the following amendment in the section that after the words 'by any Magistrate' the words should be added 'the order shall be governed as regards appeals and revisions by the same rules as might from time to time be prescribed under the Code of Criminal Procedure in the case of the cases for good behaviour.'"

His Honour the President :—

"Has the Hon'ble Member given notice of the amendment?"

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—

"As the clause is being considered, I ask permission to make this amendment."

[Mr. Craik ; Rai Bahadur Bakhshi, Sohan Lal.]

The Hon'ble Mr. Craik :—

" I do not quite appreciate the point of the last Hon'ble Member. If he will look at clause 14 of the Bill, he will find that it has been provided that the provisions of the Code of Criminal Procedure shall be applicable to appeals and petitions of revision under this Act as if they were appeals and petitions of revision presented under the said Code. Section 13 which we are now discussing provides a similar appeal to that provided in the case of security proceedings under the Criminal Procedure Code. What more does the Hon'ble Member want? At present under the Criminal Procedure Code a man ordered to find security can appeal to the District Magistrate. There is no appeal to the Sessions Judge."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—

" There is an appeal against the order of the District Magistrate."

The Hon'ble Mr. Craik :—

" No. There is no appeal, but there is a petition for revision."

" To turn to the amendment moved, the Hon'ble Mover has drawn a rosy picture of our jails and it should be gratifying to the Superintendents of Jails to hear such testimony about the high standard of comfort in their jails. At the same time I am afraid the *badmashes* would not endorse the Hon'ble Member's views. I think they would rather be restricted to their villages than be confined in jail. I am speaking from personal experience. I have had occasion to visit the criminal tribes settlements and spoken to the men there. They are for the most part very happy there. Some of them asked to be allowed to leave the settlement to go and wander about or begged that land should be given to them by Government. Not a single one of them asked to be allowed to go to jail. On the contrary they seemed on the whole to be contented with their lot."

" However to turn to the amendment itself. The Hon'ble Mover wishes to alter the appeal procedure. His case is based on the ground, as I understood from his speech, that under the Criminal Procedure Code the proceedings have to be laid before the Sessions Judge under section 123 in the cases of default to furnish security, and that provision has been omitted from the present Bill. The reason for omitting a reference to section 123 is that under section 123, as it at present stands, a reference to the Sessions Judge is only necessary when a man is committed to jail in default of finding security. A man may be ordered to find security for three years. If he finds the security, there is no reference to the Sessions Judge, but if he fails to find it, he is committed to jail. Then and then only there is a reference to the Sessions Judge. Under the present Bill there is no question of sending a man to jail at all. A man is merely ordered to stay in his village or stay in a certain area. That is one of the reasons why we have omitted a reference to the Sessions Judge. The second reason is this. I do not know whether the Hon'ble Member has ever appeared in one of these references before the Sessions Judge. As a Sessions Judge I have had several of these references. Curiously enough in not one of them anybody appeared for the accused. This reference to the Sessions Judge is an absolute farce. The case is put up to the Sessions Judge by his Reader. The Sessions Judge reads the Magistrate's judgment, and unless there is anything very obviously wrong with the judgment, there is no interference. The Hon'ble Mr. Gracey, who has had considerable experience of these provisions as Sessions Judge, confirmed me in that view. That is why we have omitted to make a provision for a reference or appeal to the Sessions Judge. That to a great extent knocks the bottom out of the Hon'ble Member's arguments. I am therefore unable to accept this amendment."

[*Mr. Fazl-i-Hussain.*]

The Hon'ble Mr. Fazl-i-Hussain:—

" There are only just two points, Your Honour, that I have to mention. One is that the Hon'ble Member in charge relies upon the analogy of the criminal tribes who are restricted to a particular area, and says that they are all quite happy together, why should this man be unhappy? Well, the answer is obvious. They are all members of criminal tribes and they are very happy together. They are not out of their element. But if this man is an offender he is all by himself in the village. It is not the same in the case of criminal tribes. If the men restricted were put in one village where there were all bad characters, they will no doubt be happy together. However this is only in passing.

" The real point is with reference to the course of appeal, and I am very glad that having had experience both of the executive line and of the judicial line the Hon'ble Member-in-charge has not pointed out that the distinction that I drew in the respective tendencies of the two officers was incorrect. The reference to the Sessions Judge, it is urged, is illusory, inasmuch as nobody appears on either side, and it is more or less reduced to a farce. I understand that it is among the duties of judicial officers, and it is obviously their duty, even if those cases are not conducted on either side by counsel, that they should give the same careful attention and consideration to them as they would have done had both sides been represented by counsel. Here I might refer to that one case of 1914 which was specifically mentioned by the Hon'ble Member-in-charge. In that case a petition was presented in the Chief Court, but no one appeared in support of that petition: apparently after presenting his petition the petitioner was quite satisfied with his lot. In spite of that no less eminent a Judge than Sir Donald Johnstone took up the petition and proceeded to state that no one had appeared in support of the petition, ordinarily it might have been thrown out, but he said the matter was an exceedingly important one and he must take it up. He then proceeded to decide the case. That, I believe, is one of the cases wherein the Member-in-charge went so far as to say that one of the sureties was a boy and a minor, and so on. As a matter of fact had he gone through the whole of the judgment, 6 P. R. of 1914, he would have found that the Chief Court found that there was no proof whatsoever on the record that one of the sureties was a minor. Nothing of the kind. The Chief Court found against it, and apparently that order was upheld. So the reference to the Sessions Judge, even though the offender has not been able to engage a counsel, to my mind, is not illusory and is not a farce. The Sessions Judge is bound to give the same attention to that case as he would have done had it been strongly supported by counsel. Very often the accused persons rely upon that reference to the Sessions Judge even to the extent of not offering security when they can do so and go to jail for a short time so that their case may be considered by the Sessions Judge. For these reasons I request, Your Honour, that this course of appeal, at all events, be changed in accordance with my amendment."

The motion was put to the Council and lost.

The Hon'ble Mr. Fazl-i-Hussain—

" So far as the next amendment is concerned, Your Honour, that is simply a matter of drafting. To my mind clause 13, paragraph 2, is unnecessary. I will not press that. I will leave it to the Hon'ble Member-in-charge. If he agrees with me, as the power of revision in all criminal proceedings vests in the Chief Court under section 439 of the Criminal Procedure Code, it is not necessary to have that clause. I would not say more."

[*Mr. Craik ; Mr. Thompson ; His Honour the President ; Mr. Fazl-i-Hussain.*]

The Hon'ble Mr. Craik :—

" I am grateful to the Hon'ble Member for pointing this out. I accept the amendment."

The Hon'ble Mr. Thompson :—

" Is the whole clause going to be omitted, Sir ?"

His Honour the President :—

" Only the second paragraph of clause 13."

The motion that the second paragraph in clause 13 be omitted was put and carried.

The Hon'ble Mr. Fazl-i-Hussain :—

" Your Honour,—The next amendment relates to clause 16 of the Bill. Clause 16 is the clause which enables Government to frame regulations and rules for particular purposes. There are four purposes specified. The first is with reference to the areas to which persons may be restricted under this Act and the nature of the restrictions to be observed by them. That is to say, whether they can go to a neighbouring village or whether it is to be a particular village to which his movements will be restricted. Supposing a man possesses two adjoining villages or a fair amount of landed property in both villages. Should he be restricted to the area of one or of two villages ?

" The second is with reference to the times and places at which and the mode in which persons shall report themselves when required to do so under this Act. The third is as to holding passes under which persons may be permitted to leave the area to which their movements have been restricted. The fourth is with reference to the conditions to be entered in such passes. I may at once say that the amendment that I am placing before the Council is entirely due to a personal opinion of my own, and it is to this effect that the important rules that are necessary to carry out those Bills should form part of the Bills in the sense that the Legislature should have a voice in the matter. I fully realise that all questions of detail cannot form the subject-matter of the Bill, and that in many cases questions of detail have to be left to the executive, but at the same time my contention is that a distinction should be made, and as little as possible should be left for the executive to decide upon. A number of things, which are left to the executive under clause 16 of the Bill, I contend should have been here decided, and it is in that sense, as a suggestion more or less, that I have ventured to move this amendment. In our Bills as a rule as little should be left for the executive to make rules about as possible, and a good deal should be left for the Legislature to decide upon. With these remarks I place the amendment more as a sort of protest than an amendment before the Council. I realise fully that a number of things will have to be left to the executive."

The Hon'ble Mr. Craik :—

" Your Honour,—I entirely accept the proposition which the Hon'ble Mover has put forward, that all questions of principle should be embodied in the Statute, and only questions of detail left to the rule-making power of the Executive Government. But the points dealt with by section 16 seem to me to be entirely matters of detail. I notice the Hon'ble Member has merely moved to omit this clause (clause 16) and has provided nothing in its place. I defy even the ingenuity of the Hon'ble Member to draft within the four corners of the statute the matters which would come under the category of details. It is practically an impossible task. Therefore these matters are left to the Local Government to provide for exactly as similar matters are left to

[Mr. Fazl-i-Hussain ; Pandit Sheo Narain.]

the Local Government by section 20 of the Criminal Tribes Act. The section has been taken bodily from the Criminal Tribes Act. I regret I am unable to accept the amendment."

The Hon'ble Mr. Fazl-i-Hussain :—

"I do not want to press this amendment. At the time I was drafting I fully realized that it was not an amendment which would by any chance be accepted. In view of what the Hon'ble Member has said I do not want to press this amendment."

The amendment that clause 16 be omitted was withdrawn.

The Hon'ble Mr. Fazl-i-Hussain :—

"This last amendment which is on the agenda, Your Honour, is with reference to the last clause of the Bill, and I would presently show that it is the most important amendment, and at the same time one which if accepted or carried would not in any way interfere with the working of the Bill, and as such I trust that it will receive the sympathetic consideration of the Hon'ble Member in charge and of the Government. This clause 17, as it stands, is the penalty clause. It lays down the punishment to which a man who breaks the pass is liable, that is to say, after he is restricted to a particular area he violates that pass and goes outside that area, he is to be punished. Obviously there can be no two opinions about that. What is to be the punishment. That very largely is a question within the discretion of the Magistrate? If, for instance, he has gone out to commit a dacoity no doubt he will receive a very severe punishment. If, on the other hand, there was a *kabadi* in the next village, and the man was tempted to join that *kabadi*; and the Lambardar has not seen fit to give the necessary permission, in all probability the punishment would not be the same which he would have got had he gone out to commit an offence, and so on. Similarly, supposing he were to go to an adjoining village to get some medicines for his mother or his wife and the Lambardar did not see fit to give him the sanction, the punishment he would then get would obviously be very light. All that I claim is that it should be possible for a Magistrate to give a light punishment and that it should be possible for him not necessarily to impose the punishment of imprisonment for such delinquencies to which I have referred. The provisions contained in section 17 of the Bill do not allow the Magistrate any discretion in the matter. He must impose a sentence of imprisonment on the man, however good the excuse may be, for violating the law, and however grave might be the attenuating circumstances in any particular case. I claim that this is very hard indeed. By accepting my amendment it does not follow at all that in any case the Magistrate is compelled to award no more than a sentence of fine. What I claim is that it should be possible for the Magistrate to impose a fine, if the Magistrate considers that this is a fit case for fine. Why should it not be possible for the Magistrate in exceptional cases to give a fine? After all take the case of a man who has committed a paltry theft of sugarcane in the neighbouring village or anything of that kind. Surely he is not in most cases to be imprisoned for that. Why then put pilferers, thieves and dacoits on one and the same footing. I need not take any more time of the Council in urging reasons in support of my amendment. I trust that it will receive the sympathetic consideration of the Hon'ble Member in charge."

The Hon'ble Pandit Sheo Narain :—

"Your Honour, I support the amendment which my friend has proposed. In such cases only nominal punishment should be awarded."

[Sardar Bahadur Sardar Gajjan Singh ; Bakhshi Sohan Lal ; Rai Bahadur Chaudhri Lal Chand ; Khan Bahadur Syed Mehdi Shah ; Nawab Sir Behram Khan ; Mr. Craik.]

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

"Your Honour, I support this amendment. In the Select Committee there was some discussion about this point. It was then pointed out by the Hon'ble Member in charge that the punishment provided in this section was deliberate and well suited. Notwithstanding that, Sir, I venture to point out that there is a very great force in the comparison of the Hon'ble Mr. Fazal-i-Hussain. There can be circumstances as have been pointed out by the Hon'ble Mr. Fazl-i-Hussain in which a sentence of fine will be quite sufficient. This amendment, if carried, will not compel the Magistrates not to exercise their discretion in imposing a sentence of imprisonment. But I submit that the Bill will lose nothing of its efficacy if under this clause discretion is given to the Magistrate that in cases of petty faults a sentence of fine may also be imposed. With these remarks I support the amendment."

The Hon'ble Bakhshi Sohan Lal :—

"Your Honour, I also support the amendment because I think that the Magistrate should not be tied down necessarily to pass a sentence of imprisonment if he finds that the offence is a very minor one, and there can be cases which were pointed out by the Hon'ble Raizada Bhagat Ram yesterday in which the violation of the rules is not such a grave offence. In such circumstances it would be justifiable to pass a light sentence of fine rather than one of imprisonment. I am of opinion that this amendment is necessary."

The Hon'ble Rai Bahadur Chaudhri Lal Chand :—

"I fully endorse the remarks made by the Hon'ble Sardar Bahadur Gajjan Singh. I give my support to the amendment which has been moved by my friend Mr. Fazl-i-Hussain."

The Hon'ble Khan Bahadur Syed Mehdi Shah :—

"I support the amendment."

The Hon'ble Nawab Sir Behram Khan :—

"It is desirable that the Magistrate should be given the option of imposing a sentence of fine. I support the amendment."

The Hon'ble Mr. Craik :—

"Your Honour, when the Bill was first drafted I was myself in favour of the suggestion that in certain cases the punishment of fine should be permitted, but the reason which led to the exclusion of fines from the clause as it now stands was that in the case of the Criminal Tribes Act there was no option of a fine, and it seemed to those responsible for framing this measure that in this measure there was no good ground for differentiating. The people to whom it will apply will after all be *badmashes* and bad characters who merely because they happened to belong to a particular community are not subject to the provisions of the Criminal Tribes Act. A member of a criminal tribe may never be even suspected of an offence, but under the Criminal Tribes Act he is liable to imprisonment directly he leaves the area to which he is registered. Why should you give more favourable treatment to a man who is a habitual thief? There seems to be no logic at the bottom of this amendment. At the same time as the amendment has received general support in the Council, including that of members who were on the Select Committee, I am prepared to accept the view that fine should be included in the clause. Government is prepared to give way so far that a sentence of fine should be allowed on the occasion of the first breach. I hope the Hon'ble Mover will

[*Mr. Craik ; Mr. Fazl-i-Hussain ; Rai Bahadur Pandit Sheo Narain.*]

accept that. I do not think there is any justification for allowing a fine on the second or subsequent conviction. A man who violates the law twice ought to be punished with imprisonment.

"If a man has genuine reasons to be absent he can always get leave. There is no reason to suppose that the Zaildar or Lambardar, to whom he has to apply for leave, will be unreasonable and refuse leave when the man has genuine reasons for it. Does the Hon'ble Member accept that solution?"

The Hon'ble Mr. Fazl-i-Hussain :—

"I accept it."

The Hon'ble Mr. Craik :—

"Perhaps the Hon'ble Member will withdraw his amendment and allow me to move an amendment on the principle which has been accepted."

The Hon'ble Mr. Fazl-i-Hussain :—

"I agree."

The Hon'ble Mr. Craik :—

"I beg to move the following amendment :—

"In clause 17 (1) after the word 'punished' omit all the words which follow and substitute the following :—

- (a) on a first conviction with imprisonment of either description for a term which may extend to one year, or with fine, or with both ;
- (b) on a second conviction with imprisonment of either description for a term which may extend to two years ;
- (c) on any subsequent conviction with imprisonment of either description for a term which may extend to three years.

"The clause will then run :—

"Whoever being a person against whom an order of restriction under this Act has been passed, violates such order or, any rule made under this Act, shall on conviction by a Magistrate of the first class be punished as follows :—

- (a) on a first conviction with imprisonment of either description for a term which may extend to one year, or with fine, or with both ;
- (b) on a second conviction with imprisonment of either description for a term which may extend to two years ;
- (c) on any subsequent conviction with imprisonment of either description for a term which may extend to three years."

The motion was put and agreed to.

The Hon'ble Mr. Craik :—

"Your Honour, I beg to move that Bill as amended by the Select Committee and by this Council be passed."

The Hon'ble Rai Bahadur Pandit Sheo Narain :—

"With Your Honour's permission I would suggest two matters on which the Bill is silent, and for reasons of my ill-health I could not send my amendments in time. I think I might lay these two matters before Your Honour and the Council. The one is that the person restricted under the provisions of the Act may be allowed to leave the area for purposes of filing and conducting an appeal or petition for revision provided that he has an intention to do so. The second matter is that the appeals or

[Mr. Craik ; His Honour the President : Sardar Bahadur Sardar Gajjan Singh ; Mr. Fazl-i-Hussain.]

revisions by persons restricted under the Act may be sent by post, so that such presentation shall be allowable by law, and that no certified copies of the restriction order against which an appeal or revision may be filed shall be required. I crave Your Honour's permission to submit these two matters. If I am given the permission I will give my reasons for these amendments."

The Hon'ble Mr. Craik :—

"I object to these amendments, because notice has not been given."

His Honour the President :—

"I think the Hon'ble Member might suggest them when we are framing the rules, and those matters will be taken into consideration."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

"Your Honour, I support the motion of the Hon'ble Member in charge of this Bill that the Bill as amended should now be passed. We have had a very interesting and instructive discussion, and I think the Bill as a result of the discussion has been improved. I should like to say a word or two while supporting the Bill. It was pointed out by the Hon'ble Mr. Fazl-i-Hussain that the privileges of a prisoner are much greater than those of persons who will be restricted to the villages, at least in the matter of medical attendance and the power to deal with property by way of giving powers-of-attorney and so on. I submit, Sir, that I beg to differ from the Hon'ble Member in this respect. If this idea really comes into the heads of those very persons who will come under the restrictive clauses of this Act, I submit that the remedy is in their own hands. But I must submit, Sir, that the real remedy is still with them. They must behave in such a manner that they should not allow themselves to be counted with those who are described in section 110. If they do that I think they are quite safe. As regards the severity of jail life and the severity of the life of a man who is merely restricted I think the matter is quite clear. Those persons are no doubt nominally under a certain sort of surveillance but for all other intents and purposes they can earn their own livelihood and with certain restrictions they are almost at full liberty, with the exception that they cannot go out of the area they are restricted to. As regards the points suggested by the Hon'ble Pandit Sheo Narain I would certainly draw the attention of Your Honour's Government to the clauses of the rule making section in which it is stated that rules should be made as to the conditions under which restricted persons may be permitted to leave the area to which they have been restricted. I am confident that the Government while making the rules will make provisions to enable these persons to go to the courts of law and to go for treatment in a case in which a case is made out for such necessity. Sub-clause (ii) gives the times and places at which and the mode in which persons shall report themselves when required to do so. So indirectly I am sure that these persons will in no way be worse off than those actually in jail. As regards the efficacy and the usefulness of the measure there can be no two opinions. Therefore I do not think that I should take the valuable time of the Council, but would only say that I support the motion put forward by the Hon'ble Member in charge."

The Hon'ble Mr. Fazl-i-Hussain :—

"The motion what the Habitual Offenders Bill be taken into consideration was carried in yesterday's meeting, and the amendments of which notice under the regulations was given were discussed by this Council yesterday and to-day with the result that three of the amendments were withdrawn by me and one amendment practically has been carried, two, I think, and others have been discussed and negatived. In other words, barring one important

[Mr. Fazl-i-Hussain]

alteration, that is to say, the discretion given to the Magistrate to award a sentence of fine in the case of first conviction, the Bill stands to-day where it stood yesterday, though in one or two cases it has been made more clear. So I want to avail myself of this opportunity to enter my protest against the Bill at this its final stage in this Council. Yesterday owing to a misunderstanding as to the time limit I was not really in a position to place my point of view with reference to the Bill as precisely as possible before the Council. Now I propose to do so forthwith.

"The first point is, how has the Bill originated? That is to say, for every Bill there must be some reason. There must be some cause. Has the need for the introduction of the new Bill been felt or not, and if so what need that is? What proof has been adduced of that need? Now the Bill as originally drafted, and the Statement of Objects and Reasons; make it clear that originally the Bill was intended, or at all events the proposal of the Inspector-General of Police was that it should refer only to the cases of previous convicts, previous convicts who had got two convictions against them. But later on other people who come under the clauses of section 110 were also brought in. We are told that this Bill was twice circulated for opinion and that opinions generally were in favour of the Bill. The Bill has never been discussed before. It was taken up yesterday in the Council meeting. I think it is obvious that there were a number of gentlemen who gave opinions on the Bill, which they had to modify when they came to study the Bill. It is also a question whether these opinions on the Bill, on which reliance was placed by the Hon'ble Member in charge, were really well considered opinions by gentlemen who had heard both sides of the case. I deny that. It happened as is well known—

فہا یش قاضی دی۔۔۔ زنی آدی

'If you go alone by yourself to the Qazi, you succeed in obtaining an *ex-parte* decree against the other side.'

"Now that the Bill has been discussed at length I venture to hope that there will be a strong body of opinion against the need and efficacy of this measure. I want first to point out, Your Honour, that section 110 is part and parcel of an All India enactment, i.e., Criminal Procedure Code. If that section is an inefficacious measure, why should not the Imperial Legislature be moved to amend it in order to make it more effective? In other words, if in any particular Province a motion is brought before the Council for that particular Province, that this enactment should be amended, a case will have to be made out that the circumstances in that particular Province are different from those prevalent in other provinces wherein that measure has been in force for the last 50 or 60 years, and no one has thought fit to have this provision amended. Nor has the Imperial Council thought it necessary to have this enactment amended. So I contend that it has to be shown that here in the Punjab there are either more violent criminals or more habitual criminals than in other provinces or that our machinery to detect crime is less efficient than the machinery that prevails in other provinces. I claim that neither of these dual conditions is correct. Further, my contention is that the Hon'ble Member in charge is not right in saying that in the Punjab crime is on the increase. On the other hand, I claim that the administration is to be congratulated on reducing crime very materially during the last two or three, and possibly four years, and I claim that seeing that crime is on the decrease the administration has no justification for asking that an additional armour should be placed at their disposal in order to reduce crime. As a matter of fact we have seen that the Criminal Tribes Act is being enforced carefully and more efficiently with the result that that itself has in all probability contributed to the decrease of crime. Why not allow that measure to have a

[*Mr. Fazl-i-Hussain ; Mr. Craik.*]

longer term of experiment and see whether that by itself does not reduce crime materially and not at once hurry to the Legislature for an additional enactment in order to help in the reduction of crime? As I have stated before there can be no two opinions as to the advisability for reducing crime as far as possible. The only question is how far it is necessary to go in order to secure that object and how far you should proceed to trespass on the liberty of the individual. Then not only we have got two positions that the crime is not on the increase and as the Hon'ble Member in charge has pointed out, that the adventurous spirits have gone abroad, but further that during the last 60 years we are certain of this fact that education has made rapid progress in this Province. Surely after 60 years' educational movement in the Province it cannot be said that the conditions prevailing in the Province now are the same as they were 60 years ago. I also claim that our police administration has improved during the last 60 years. Then the natural question arises if the criminal tribes are better looked after than they were before, if crime is not on the increase, if adventurous spirits are abroad, and if education has made tremendous strides in this country, why, as I say if the police has also improved, add another armour to the armoury placed at the disposal of the administration to maintain peace and protect property? Where lies the need? There is no need at all. The Hon'ble Member in charge has pointed out that crime is due to two causes, either to evil inclinations of the offender or to starvation. I claim that neither of these two has made any progress in this Province, neither the evil inclinations of the man, if I may say so, have become worse to-day than they were 60 years ago, nor has the population of the Province as a whole become more starving than it used to be. As a matter of fact we are proud of the fact that economically the Province has made great progress, and there is less of starvation and crime. If these contentions of mine are correct, I claim that the Hon'ble Member in charge has not shown us any other reasons for this new Bill. I claim that the ground on which the Bill is based is taken away.

"The next point urged by the Hon'ble Member in charge was that section 110 as interpreted by the Chief Court was of no use. My reply to that would be that as a matter of fact that question is for the Indian Legislature to look at. In any case I am of opinion that the interpretations put upon these provisions of the law are correct, that they are the interpretations which any one who is imbued with the British notions of justice would have put upon those provisions of law, and I venture to point out that even the Hon'ble Member in charge, when he adorns the Chief Court bench of this province at some future date, will support the rulings that he more or less appeared to criticise in his speech."

The Hon'ble Mr. Craik :—

"I was careful to point out that I did not criticise the correctness of the rulings."

The Hon'ble Mr. Fazl-i-Hussain :—

"What I meant was from the executive point of view as distinct from the judicial point of view. I have seen many District Magistrates who as District Magistrates have been in the habit of looking at these cases in a light which is quite different from the light in which they view them as Judicial officers. Then the next point which I want to place before the Council is whether the question of restriction order is really as simple and as humane as pointed out. I have already during the course of my amendments made certain observations about the nature of this order of restriction, and I do not want to repeat myself about it. I am still unconvinced in spite of the assurances given on the subject by my Hon'ble colleagues who have seen many people restricted to a particular area.

[*Mr. Fazl-i-Hussain ; His Honour the President.*]

I still feel that a person who lives on selling vegetables growing in a village adjoining Lahore, if he is restricted to his village, cannot earn his livelihood. I fail to see how he is going to make money to live on. The customers will not go to him to the village. He will have to come to the city in order to sell his vegetables. However, if the Hon'ble Member in charge is so hopeful as to make rules which will permit the persons concerned to come and sell their vegetables, etc., I would consider it a very good thing indeed. But personally I do not believe that it is possible, and this is one of the reasons why I look upon this order of restriction as something really to be dreaded. My other reason, which is possibly due to the fact that I am not well acquainted with the administrative machinery, is this that anything which I have not known before I am afraid of. I have never heard of an order of restriction before, and naturally it frightens me; I have not heard of this order of restriction anywhere when studying the criminal law of other civilized countries. It would have been interesting if the Hon'ble Member in charge had informed us that similar provisions exist in some of the civilized countries or in any other Province of India. We might have heard something like it in Russia, but that would hardly be a thing to be followed. Whatever the reasons, I may say I am genuinely opposed to this measure as a measure of punishment or for prevention of crime.

"As to previous convicts my contention is that the existing provisions of the criminal law, section 75 of the Indian Penal Code and section 565 of the Criminal Procedure Code, both give ample powers to the judiciary to restrain such persons from committing crime, even after they have left the prison, that is to say, under section 565 a person who has been convicted of an offence against property can be called upon to report himself under the rules to be framed by the Government at a particular police station for a period extending to three years after he has been released from jail. That I contend is a sufficient weapon at the disposal of Government. Then why has the Hon'ble Member in charge stood firmly against every attempt made for introducing an amendment with reference to limiting this Bill to previous convicts? It seems what he wanted to attain was a power to proceed against persons who were not previous convicts, but who came under the provisions of section 110 of the Criminal Procedure Code. So far then as the merits of the Bill are concerned. Now it has been before this Council. I claim that particular value should be attached by this Council and by Government to the reception given to this Bill in this Council. Although a number of the Hon'ble Members had expressed opinions about the Bill before on their first reading, when they came to study the Bill with the object of seeing it through this Council, they felt, they genuinely felt, that the more they read of it, the more they felt that they would not support it or that they could not support it. Although it may be said that the Government cannot now after having proceeded so far, abandon the Bill, but at the same time it shows to Government how strong the feeling is in the Council, and, I assure the Council, outside the Council as well.

"So far as the municipalities are concerned not a single representative of any municipality on this Council has supported the Bill. So far as the district boards are concerned two representatives of the district boards out of the five were on the Select Committee, and they have accorded their support to the Bill, but the others have not accorded it their support and have opposed it. So far as the nominated members are concerned, this Bill has received support from only two out of five nominated members present and three have opposed it."

His Honour the President :—

"Surely the Hon'ble Member is not entitled at this stage to refer to the way in which other Hon'ble members are likely to vote."

[*Mr. Fazl-i-Hussain ; Mr. Hallifax.*]

The Hon'ble Mr. Fazl-i-Hussain :—

"I refer to the opposition in Council.

"So far as the other people are concerned, and so far as the members of my profession are concerned, the vast majority, preponderating majority, have opposed the Bill.

"In the circumstances seeing that the Bill has been strongly opposed in the Council by even those who had originally expressed their approval of it generally, it should not, my submission is, be taken into consideration by the Council now or later on. I personally representing an academic institution venture to raise my humble voice against the Bill. My point of view is largely academic, my opposition is entirely based on a question of principle. We should try to educate the people out of their criminal tendencies, educate the people to co-operate among themselves to detect crime, and we should try to improve the police administration in order that they should detect crime and should not allow any crime go undetected. We should educate the people in such a way that they should not be inclined to commit crime as they are doing at present. With these few remarks I put my protest before the Council."

The Hon'ble Mr. Hallifax :

"Your Honour, on my venturing to address the Council at the first meeting I have had the honour to attend, I trust that Your Honour will not fear that it may be necessary to treat me later as also an habitual offender. I crave permission to make a few remarks because I have long been particularly interested in the legislation now under consideration, and because I have been impressed by the outstanding features of the debate upon it. The opposition of the Indian Members has been remarkable, especially when accompanied in some cases by a change of opinion whether confessed or not. But it is also remarkable that the influences which have organised the opposition have not caused those Hon'ble Members who have rural interests and connections to swerve from their support. As Your Honour has remarked the Bill will be operative mainly in villages, and the approval therefore of the Members to whom I have just referred is extremely valuable. The opposition in fact comes entirely from those Hon'ble Members whose interests are mainly urban and particularly from those who represent the legal profession. The Hon'ble Khan Bahadur M. Fazl-i-Hussain who heads the opposition has confessed that it is academic and not based on any practical considerations. The Bill is stigmatized as a slur on the fair name of the Punjab, and as an engine of oppression which village officers with the help of false witnesses will be able to use against their enemies on the mere allegation that they are suspected of crime. But to use it in this manner it will be necessary for the false accusers and their false witnesses to enlist the connivance of the police and to deceive the courts. The police and the courts which will deal with cases under the Bill are almost all Indian, and they are fully acquainted with the characteristics of their own countrymen. But the opponents of the Bill refuse to give them credit for such commonsense, honesty and ability as will prevent them from falling into the traps which it is anticipated will be laid for them. It is remarkable and I think illogical to argue that while we can accept the finding of a court on a specific charge of an offence, that finding cannot be accepted when the issue before the court is one of character. In both classes of cases circumstantial evidence is the deciding factor. If our courts cannot sift it, our whole administration of criminal justice needs to be overhauled and wider issues are opened up than can be dealt with in the present debate.

"The opposition to the Bill however is based not only upon mistrust of the police, the magistracy and village officers, but also upon a misunderstanding of what the legislation under consideration really is. The translation

[*Mr. Hallifax.*]

of the principle term of the Bill 'Habitual Offender' into Hindustani is a help to understanding what is intended. The term 'Habitual Offender' is explicit enough in English as has been explained, but there can be no doubt as to its significance in its Hindustani form which has been used in the debate to-day and is simply 'badmash'. There is no question of using the provisions of the Bill against an innocent person simply because suspicion of crime may be alleged against him, and I am glad to notice that the Hon'ble Khan Bahadur M. Fazl-i-Hussain has withdrawn the arguments he has used in this connection. The procedure under which a bad character may be declared a 'badmash' and called upon to give security as such is now well established. This Bill leaves it untouched. In so far as under that procedure, miscarriages of justice may occur, individuals may be subjected to injustice on mere suspicion. But the Bill does not open wider the door for injustice or put a new weapon for oppression into the hands of private individuals or of the police or magistracy. Whatever oppression may occur will be possible only under the existing law as it stands, and it is pertinent to note the moderation with which that law has up to the present been administered. Throughout the whole of the Punjab, about 4,000 individuals only are now under security. It is obvious that the existing law is not being abused either by the police or magistracy or by village officers. I wish therefore to lay stress upon the point that the Bill deals with the fortunes of a 'badmash' only after he has been declared as such under the procedure at present existing and that it can affect only a few thousand individuals.

"The control of the badmash is a problem that has long been the subject of anxious discussion. Each country has solved it in its own way. Here in India we have attempted to restrain badmashes by bringing to bear upon them the influence of the communities to which they belong. We have endeavoured to secure the co-operation of influential villagers in the task of controlling badmashes by accepting them as sureties. It is not necessary for me to refer at length to the cases quoted from the Punjab Record which have been brought to the notice of the Council. It is sufficient to state that for various reasons the system of control by sureties has proved defective. The poor man who deserves a chance has to go to the jail and the contamination of jail life ruins his career. Rich badmashes with influential supporters flourish. Limited though they are in numbers, as long as they flourish crime must remain at a high level. Whether crime at the present moment has decreased or not is immaterial in considering the Bill now under discussion. I cannot subscribe to the argument that if you decrease the amount of crime committed by your neighbours you can claim at least partially to bring the figures up to their former average by increasing your own number of crimes. It must be remembered that most crimes against property are the work of habituals who are such adepts at their profession that for every one of their offences which is detected they commit several without detection. Habituals usually operate at a distance from their own homes, and the special risks which attend the commission of crime in a neighbourhood where there are known and marked men.

"The Hon'ble Khan Bahadur M. Fazl-i-Hussain asks how the Bill originated. The consideration I have last mentioned and the measure of success which attended the working of the Criminal Tribes Act, even before it was re-organised, suggested that the most effective means of controlling badmashes would be restriction to their villages. As long ago as 1914, when the Criminal Procedure Code Amendment Bill was under consideration, I strongly recommended that we should enlist the authority and influence of village officers in the surveillance and restraint of their own local convicts. Recent experiences with returned emigrants have proved how effectively this can be done. The discussion to which the Bill has been subjected

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during the considerable period for which legislation has been in contemplation has widened its scope and has proved the desirability of extending its provisions to habitual offenders generally.

"In connection with the restriction of returned emigrant, hard cases may have occurred such as have been alleged by the Hon'ble Rai Bahadur Raizada Bhat Ram. It may be doubted whether the Hon'ble Member was in full possession of the facts of the cases to which he referred, and since an investigation of these cases is necessary I will secure full particulars regarding them and submit them in due course for Your Honour's information. They must I am convinced be exceptional and isolated for they have not come to the ears of Government in spite of the general knowledge that Government has no desire to deprive any interned persons of legal rights which he can enjoy without danger to the State. Government will retain the rule-making power included in the Bill which fortunately the Hon'ble Khan Bahadur M. Fazl-i-Hussain was not able to induce the Council to omit, and thus will be in a position to prescribe rules enabling every restricted person full liberty to exercise such rights. The Hon'ble Rai Bahadur Pandit Shiv Narain can therefore be re-assured.

"The object of the Bill is without touching the present law under which badmashi cases are decided, to give Magistrates power to make a restriction order against a badmash instead of requiring him to furnish security. This is a change not only in the interests of the administration but also of the badmash. The special pleading of the Hon'ble Khan Bahadur M. Fazl-i-Hussain to prove that imprisonment is preferable to restriction needs no reply. I cannot understand how anyone, however, much he may have the interests of the badmash at heart, can stigmatise the substitution of restriction for security as a slur on the Punjab. The Province, on the contrary, is entitled to pride itself in taking the lead in this legislation and it may be anticipated that this lead will be followed in other Provinces.

"The Bill gives lambardars and village officers no more power than they have now except that it entrusts them with the responsibility for reporting restricted badmashes when they break bounds. But their reports will be sifted by the police and by the courts, and in view of the good work done hitherto by these agencies I cannot agree with those who fear that they will misuse their powers. Our zaildars and lambardars have proved themselves loyal and useful supporters of the administration and of law and order, even at the risk of their lives. It is unjust and a libel to accuse them of misusing their authority to serve their own ends, and to add that it will be possible for them to do so is unjust and a libel on the police, the courts and the district staff. The extension rather than the curtailment of the authority and position of zaildars and lambardars is a policy that ought to commend itself to all who have the establishment of self-government at heart, and I am surprised to note the distrust expressed in this Council of the rural community whose interests must be taken into account before self-government is possible.

"Trusting to the integrity and commonsense of the agency by which the provisions of the Bill will be enforced and to the vigilance of District Officers in preventing their misuse as they now do to prevent the misuse of other possible engines of oppression, I strongly support the Bill and will cast my vote for its adoption into law."

The Hon'ble Mr. James Currie :—

"May I be permitted to say that I whole heartedly support this Bill. I am sure that the people of the Punjab will welcome this measure which would ensure the safety of their life and property. It reminds me very much of a law that was introduced into my country by a strong King who finding that

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badmashi was rife from one end to the other intimated that the first measure he should introduce would be a measure that might make it possible to keep a man who was *badmash* under restraint. I venture to hope and believe that this measure will, while restraining *badmashi*, be helpful in reducing crime as the King's measure was in my country. I think it is more humane to restrict than to punish him."

The motion that the Bill as amended be passed was put and carried there being six dissentient votes.

RESOLUTION ON SANITATION.

The Hon'ble Mr. Fazl-i-Hussain :—

"Your Honour, the resolution that stands in my name reads as follows :—

"This Council recommends to His Honour the Lieutenant-Governor that the unspent balance of the Government of India assignments and allotments for sanitation in this Province be spent in the current year and the next financial year."

"It will be seen that up till now the resolutions that I have from time to time moved related invariably to education, and I hesitated before sending this resolution in my name inasmuch as I do not profess in any way to be an expert in the various and varied problems connected with the subject of sanitation. At the same time I felt that the appalling death-rate caused by the ravages of malaria, plague and other epidemics was such that it was bound to arrest the attention of every one interested in the welfare of this country. Moreover, I felt encouraged because I find that for some reason or other the Departments of Education and Sanitation are lumped together so far as the Government of India is concerned. Moreover, when studying this problem on sanitation I came across the last report on the question of provincial sanitation, and therein I found the remark which had fallen from the lips of His Honour the Lieutenant-Governor to the effect that all one needs is a discerning eye and a discriminating nose to consider himself quite equipped for examination of the problems of sanitation in this Province. Inasmuch as I was not quite hopeless of possessing these two qualifications, I thought I was justified in placing this resolution before the Council, so that the ventilation of ideas on the subject, examination of the work done by our local bodies in connection with sanitation and the way we have been keeping our finances with reference to this department, might enable us to pursue some better course for the future and do something more in future for the cause of sanitation in this Province. With these apologies for entering upon this department, I may at once say that the general question of sanitation in this Province, and for that matter in this country, is not at all an intricate one. What one likes to see are clean environments, plenty of air and plenty of light, unpolluted water-supply and undecayed fruits and food stuffs. I recognise at once that it very largely is a question which is to be answered by the people. Nothing can bring about sanitation unless the people themselves are willing to co-operate with the authorities to bring about a desirable state of affairs. I also fully realise that that desirable state of affairs cannot prevail unless there is knowledge and unless ignorance is dispelled, and to my mind the most disappointing state is the state wherein ignorance is so colossal that a man cannot realise that the sanitary conditions prevalent all round are such as stand in need of reform. Till that ignorance is dispelled, till this lethargy is done away with, I think it is highly necessary that Government should take active steps in bringing about that feeling amongst the people that they should begin to loath and detest insanitary conditions. In the interests of education for this initial stage it is highly necessary that there should be funds. Without funds it

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is impossible for any Government or for any people, however willing they may be to co-operate with the authorities, to bring about even an amelioration of those insanitary conditions in which this country abounds. Now the sanitary problems of the Province might be sub-divided into three heads—Municipal problems for urban areas, rural problems for rural areas with which district boards are concerned, and thirdly, and to my mind, the general sanitary problems are those which are not directly connected with either. *e.g.*, those relating to floods, annual floods or sometimes floods which come after some years with the result that there are big *na'as* which are overflowed, and there is a good deal of water all round the country, thus bringing about highly insanitary conditions all round the villages, and in the case of a large number of municipalities as well. These floods not only bring about pools round villages and cities like Amritsar, Batala and others, but they also bring about loss of life, loss of houses and loss of furniture and everything else. That has been the case more than once during the last decade or so. As I have said, the problem requires a great deal of money. I am glad to notice that that fact was discussed at considerable length by the Sanitary Conference which was held in 1911, and they recommended that measures should be taken gradually to do away with these floods which flood all the depressions round cities and villages and bring about insanitary conditions. Now, so far as the Local Government is concerned, my study of sanitary problems discloses that the Local Government has not been devoting the attention that this particular department demanded. I have to travel back as far as 1908. I notice that from 1903 to 1908, for full five years, there were three heads of expenditure so far as sanitation went. Firstly, Pasteur Institute; secondly, plague and epidemic diseases and, thirdly, sanitation and education. During the five years 1903-08 a sum of Rs. 27,79,837 was spent, that is to say, on an average $5\frac{1}{2}$ lakhs a year under the various heads of sanitation. This gives, as I have said, an average of $5\frac{1}{2}$ lakhs a year. Then all of a sudden it appears that the Government of India realised that sanitary problems were the most pressing problems in the country, and they decided that they must make special grants to help the various provinces in matters sanitary, and they decided upon giving grants. This Province was given a grant of 4 lakhs a year in 1908. This grant lasted for four years from 1908-11. Now it is noteworthy that this grant was given not in place of the provincial funds which were at the disposal of the Local Government to be spent on sanitation, but in addition to such expenditure that the province was incurring in matters sanitary, that is to say, the Local Government was expected to spend 4 lakhs a year more than it was doing from its own revenues. That is to say, instead of $5\frac{1}{2}$ lakhs at its disposal to be spent on sanitation, the Local Government had $9\frac{1}{2}$ lakhs at its disposal to spend on sanitation. I find that during 1908-11 Government spent only Rs. 16,59,752 which works out to less than $5\frac{1}{2}$ lakhs a year, that is to say, while the Local Government was given 4 lakhs a year by the Imperial Government as a further grant towards sanitation, instead of adding to the $5\frac{1}{2}$ lakhs that the Local Government was spending during the previous five years they dropped their expenditure from $5\frac{1}{2}$ lakhs to an average of $5\frac{1}{4}$ lakhs. Four lakhs a year was given to the Local Government by the Imperial Government to be spent on sanitation because the Government of India was of opinion that matters sanitary were of the first importance, and that the Local Governments should realise their duties and take sanitary reforms in hand. Apparently so far as I can gather from the records, all this money was not spent, and I want to know what became of this 12 lakhs of money that came from the Imperial Government from 1908 to 1911. How has it spent the 12 lakhs? If not, where is it? Does Government intend spending it or not? Here I may mention that in the year 1905-06 a settlement was arrived at between the Government of India and the Local Government. I mention this just to make it clear that

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until this settlement was arrived at the Local Government was spending 5½ lakhs a year on matters sanitary. From 1908-11 they were getting 4 lakhs extra grant from the Government of India. In 1911 I believe there was a second settlement with the result that through the efforts of Sir Michael Penton we received a substantially greater amount of revenue to be spent in the Province. I believe that by now the extra amount comes to something like 50 lakhs. During the years 1911-13 the total expenditure on the three heads of sanitation was Rs. 18,18,132, which works out at the rate of about 4 lakhs a year. That does not show that the Local Government had spent the 5½ lakhs of their own and the 4 lakhs that they were getting from the Government of India. After 1914 that grant was discontinued and the Local Government was expected to spend of its own revenues the 4 lakhs on sanitation which before that the Government of India had been giving from the Imperial funds. No, this was not the 9½ lakhs that the Local Government spent, but these were the special non-recurring grants during the years 1910-11 and 1911-12 to the extent of 5 lakhs during the first year and 6 lakhs and 17 thousands during the next year. It was out of this Rs. 11,17,000 that some non-recurring expenditure was incurred during the two years 1911-13. Passing from the period 1911-13 to the last period of 4 years, 1913-17, I find that the total expenditure incurred,—I do not want to give it under different sub-heads because it makes the matter more complicated—was Rs. 34,37,493, which again gives an average of about 8½ lakhs a year. But then again during the year 1912-13 there was a grant of Rs. 14,50,000 non-recurring grant made by the Imperial Government. In other words, if we put these five years together, 1911-17, we find that the Government of India made non-recurring grants of an amount practically 25 lakhs, and a recurring grant of 16 lakhs. During the period of 6 years, as I have already mentioned, the 12 lakhs that were given during the period 1908-11 have not been spent, so far as I can make out, by the Local Government. Out of 25 lakhs of non-recurring grants, as was stated by the Hon'ble the Finance Member, Rs. 7,01,000 are unspent. I may mention that the grants that were made between 1911-17 were made long before the shadow of war overshadowed the administration, and to my mind there was no reason why the grants made in 1911-12 should not have been spent long before the war. They were, however, not spent. What is more remarkable is that this grant of 25 lakhs that was made to this Government by the Imperial Government forms a part, Your Honour, of the big non-recurring grant, that the Government of India made to the various Local Governments. Out of four crores, six lakhs and 25 thousands, 25 lakhs is about 1/16th portion of that grant. Why was only a small portion of this big grant of four crores made to us? For the obvious reason, as the Report of the Sanitary Conference of 1914 held at Lucknow shows, that the Indian Government found that only two Provinces, Bombay and Bengal, were prepared with any schemes to push through, on which they could spend money. The other Provinces were not prepared with any schemes with the result that the Government of India did not find it necessary to give large grants to other provinces, out of 4 crores to be spent on sanitation and they were justified inasmuch as during all these years we have not been able to spend even the 25 lakhs that were given to us. Naturally the question arises, are not the sanitary problems in this Province many and varied enough and expensive enough to absorb even the 25 lakhs that were given to us out of the four crores that the Government of India had at their disposal? So far as recurring grants are concerned, I find that during all these years from 1908-17 only 69 lakhs have been spent by us. Out of this 19 lakhs if we take away 17 lakhs that was spent from non-recurring grants, we get a balance of 5 lakhs that has been spent by us during the period of 1908-17. That is to say, it works out at the rate of less than 5½ lakhs a year, the very amount that we were spending before 1908. In other words, as I have already explained, taking the recurring grants from 1908-11 and the non-

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recurring grants made during that period and between 1913-17, very nearly 50 lakhs which ought to have been spent on sanitation has not been spent at all. Therefore to sum up, the situation is this. From 1908-17 we got only 25 lakhs out of the grant of four crores because we were not prepared to undertake any new scheme. The 25 lakhs which we got we ought to have spent before the War. Now we are not spending all the money, although we know that the question of filling up the depressions, etc., is an important one. We know that almost annually or every third or fourth year these floods bring about a sort of swamp all round the villages and spoil the water-supply of many cities. That does require a good deal of expenditure. This is a sort of reform that surely will benefit the rural as well as the urban sanitation, and yet is not undertaken. This is an expenditure that does not require any particular machinery. I really do not see why it cannot be undertaken. At the Sanitary Conference of 1913 held in Simla I believe that was one of the subjects discussed on which there appeared to be a considerable amount of unanimity. It was also considered that the amount given by the Government of India was not large enough to undertake that work.

"With reference to recurring grants I have only to urge this much that if some attention is paid to sanitary problems probably there will be no difficulty in spending a large amount that is at our disposal. I have been told that the reason why all this money is not spent is that there are no schemes forthcoming. Now that presumes that somebody, local bodies presumably, have to prepare those schemes and submit them to Government. If Government were to wait for the schemes to come from local bodies, without meaning any disparagement I may say that they may never come at all. When any sanitary reform is carried out, we find that the Government takes the initiative. In a large number of matters, it is the Government that takes the initiative. But here the work is to be done by the District Officer whose duties are really far too many to give him any time to initiate new schemes. It will be found that his time is fully occupied by a large number of things that demand attention from him, as a matter of fact, at every moment of his time. How can he possibly find time to originate or initiate schemes of reform in all sorts of matters, whether they are educational, sanitary or others? It is too much to expect that he will be able to find the necessary time. I think Government always initiates new schemes of reform by its own special officers. Similarly no doubt the Government should take action in this matter. The district boards and municipalities can of course co-operate with them. If I am mistaken in my calculations that all this money is not available for sanitary purposes, I will be very grateful to be corrected at this stage. I do not want to urge more."

The Hon'ble Rai Bahadar Ram Saran Das :—

"Your Honour, in all civilised countries Public Health is a great national asset. In modern days of stress and strife every unit of the common wealth must conserve its man power, not only to serve the British Empire in time of War, but also to improve and strengthen its economic and material output in times of peace. The Punjabees are rightly considered the most virile people in India. The man power of this Province has always been utilized for the service of the British Crown. It is, therefore, not only the interest of the people, but also of the Government to adopt every possible measure for the protection, conservation and development of man power in the Punjab. Our sanitary and medical establishments should leave no stone unturned to improve Public Health, for it is only healthy members of a nation who can do anything for the service of their King and country. Your Honour, when during the past year I learned that a large proportion of young men, who had offered their services in the Defence of India Force and the

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University Double Company, had to be rejected as medically unfit, I felt it keenly. I am sure Your Honour also was not pleased at this large number of people being rejected. I hope the authorities are giving attention towards the question of protecting and developing man power in this Province. I have before me the death figures for the last 10 years—Fevers, Tuberculosis, Plague, Cholera, Small-pox and Dysentery are the diseases which take the heaviest tolls every year from our people. Let me, Your Honour, quote these figures for a moment. Let us first calculate the injury done by our arch enemy fever. This disease claimed as its toll in—

1907	...	...	495,481
1908	...	...	699,749
1909	...	...	412,050
1910	...	...	345,665
1911	...	...	304,523
1912	...	...	277,148
1913	...	...	333,868
1914	...	...	347,415
1915	...	...	286,300
1916	...	...	377,806

That is to say as compared with 1907 the figures for 1916 have decreased only from 405,481 to 377,806. This latter number is, however, the largest since 1909. In other words, our Sanitary and Medical Departments seem not to have been able to bring about any improvement during the last 8 years. On the other hand, the situation has rather become worse. Then again, take Plague. Deaths from this disease in the Province have been for—

1907	...	...	668,685
1908	...	...	30,722
1909	...	...	35,661
1910	...	...	135,527
1911	...	...	175,667
1912	...	...	29,850
1913	...	...	17,904
1914	...	...	64,077
1915	...	...	222,080
1916	...	...	3,325

These figures are so fluctuating that it is impossible to say whether the situation has been improved or not. I can only draw one conclusion from these figures, and that is this, that the Medical and Sanitary Departments appear to have failed to control this disease. Our tolls are heavier when nature helps the disease, and our casualties are fewer when nature is unfavourable for the disease. Next take Cholera. Here the figures are for—

1907	...	...	437
1908	...	...	12,340
1909	...	...	1,520
1910	...	...	2,141
1911	...	...	1,262
1912	...	...	1,841
1913	...	...	5,835
1914	...	...	6,703
1915	...	...	13,218
1916	...	...	1,698

These figures also show an upward tendency. From 1909 to 1915 the figure, have been on the whole rising. In other words, so far as Cholera is concerned

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it is rather spreading. This is rather a serious situation. Tack another disease Dysentery. Here the figures are for—

1907	...	...	...	15,091
1908	...	...	...	21,265
1909	...	...	...	10,516
1910	...	...	...	10,181
1911	...	...	...	11,903
1912	...	...	...	9,905
1913	...	...	...	11,205
1914	...	...	...	13,390
1915	...	...	...	12,670
1916	...	...	...	15,693

"In the case of this disease also it would be observed that since 1909 the figures are, practically speaking, gradually but surely increasing. As compared with 1909 the casualties from the attacks of this disease have increased by 50 per cent. Now this again is a very serious situation. The figures for Small-Pox are also not encouraging. Your Honour, this is a short history of Public Health in the Punjab during the last 10 years. I have compiled the above figures, from the reports on sanitation. As I have shown in these figures the things seem to be going from bad to worse. May I ask what has been the result of the work done during the last 10 years to check this downward course? Your Honour, on the 5th January last a set of figures appeared in the *Tribune*. These figures represent the amounts given by Provincial Government to local bodies for sanitary expenditure. I have since then verified these figures and they seem correct. It appears that the total amount granted by the Provincial Government to local bodies for Sanitary expenditure from the year 1909-10 up to date has been Rs. 34,67,134. On the other hand, this Province has received from Imperial Government grants for sanitary expenditure amounting to not less than 86 or 87 lakhs. So the unspent balance with the Punjab Government out of the Imperial grants appears to me no less than 52 lakhs. Your Honour, this state of affairs requires earnest consideration. The Public Health of the Province, it appears, has been deteriorating during the last 10 years, and yet apart from spending anything from our own resources it appears we have been making a clear saving out of the Imperial grants. Your Honour, I have seen the Provincial figures for expenditure on Bubonic Plague, Sanitation and Vaccination, and I find that during the six years preceding 1908-09 when we were not receiving any Imperial grants for sanitation our expenditure under the two heads Bubonic Plague and Sanitation and Vaccination appears for—

			Plague.	Sanitation.
			Rs.	Rs.
1902-03	...	...	7,76,587	93,444
1903-04	...	...	4,34,708	96,641
1904-05	...	...	2,92,894	97,761
1905-06	...	...	4,63,407	1,02,082
1906-07	...	...	4,27,991	1,01,666
1907-08	...	...	6,02,997	92,478

After this year the expenditure on Plague has regularly been decreasing until in 1916-17 we find it to be Rs. 1,75,000. The expenditure on Sanitation and Vaccination has been fluctuating, and as I have shown the net figures for grants to local bodies for sanitary purposes do not exceed 35 lakhs. Your Honour, during the six years preceding 1908-09 the average expenditure per year on Plague was approximately 5 lakhs and the average expenditure per year on Sanitation was 1 lakh. Six lakhs per year then was the standard of

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Provincial expenditure on these two heads. It appears that from 1908-09 the Government ceases to spend anything from its own resources, and in addition makes a saving from the Imperial grants also. Assuming there was to be no enhanced expenditure on Sanitation from Provincial resources even then during the last 10 years the Punjab Government ought to have spent 60 lakhs in addition to the grants it received from Imperial Government. The total expenditure from the Provincial as well as Imperial resources ought to have been about Rs. 1,50,00,000. But the amount actually spent by Punjab Government on Plague, Sanitation and Vaccination, during this period has been less than 70 lakhs, *i.e.*, 80 lakhs less than the minimum amount they ought to have spent.

"My Honourable Friend Mr. Fazl-i-Hussain is not much too soon in moving his Resolution on the subject. Your Honour, I am sure, will not allow sanitary grants to remain thus unspent. I am quite certain that a wide-awake and sympathetic ruler like you, who loves the Punjabees so well, will leave no stone unturned for the conservation and protection of man power in the Punjab. Your Honour will find that while Public Health has been deteriorating in the past, Imperial grants for sanitation have been allowed to accumulate.

"The Resolution before us seeks to prevent this. Your Honour can even now obtain sanction from the Government of India and incorporate as far as possible the proposals made in the Resolution in the Revised Budget, as well as the next year's Budget. With these words I give a hearty support to the Resolution moved by my Hon'ble Friend."

The Hon'ble Mr. Lumsden :—

"Your Honour, when I first received this resolution I did not think I would have to say much on it. In the first place, I had hoped that the Hon'ble Mover realising his mistake would in an eleventh hour-repentance have withdrawn his resolution, and in the second place, I felt sure that once the Hon'ble the President of the Sanitary Board had brought his heavy batteries to bear on the resolution there would be nothing left for me to demolish. In the temporary absence of the latter, however, the duty has devolved on me to make the first attack with some light artillery, leaving him to bring the heavier pieces to bear on the subject a little later.

"Had I had been a defendant in a court of law I would have brought forward with some confidence two preliminary objections to the resolution. In the first place, I would have pointed out that the Hon'ble Mover was a Member of the Finance Committee. The Hon'ble Member in charge of the Bill which has just been passed, confessed yesterday to receiving certain surprises of an unexpected nature in connection with his Bill, but I am sure that his feelings were nothing to the shock that I experienced when I found that a resolution so utterly subversive of all budget procedure was about to be moved by a prominent Member of the Finance Committee. The Hon'ble Mover was present at the deliberations of the Finance Committee. He went carefully through the provision made under the head of sanitation; he examined the distribution of unallotted expenditure; and he never suggested for one moment that the provision made for sanitation for next year was inadequate. I submit, therefore, and I feel sure that I shall have the support of my legal friends on this Council, that the Hon'ble Mover is clearly estopped from bringing forward any resolution of this kind.

"The second preliminary objection is also weighty. As the Hon'ble Member knows the first edition of the budget has already been submitted to the Government of India. The second edition was despatched to that Government on the 5th instant. No changes can now be made in the budget except

[Mr. Lumsden ; Mr. Fazl-i-Hussain].

for very exceptional reasons. Consequently I submit that the resolution is also time-barred. It will be observed that the resolution deals only with the current year, about seven weeks of which have still to run, and the following year.

" On general grounds also I must oppose the resolution. From the financial point of view I may say that the Hon'ble Mover has evidently felt some severe qualms of conscience in moving this resolution ; in fact as far as I see he has carefully avoided saying anything about it. Essentially the resolution purports to be a proposal to spend a certain amount of money on sanitation which has already been earmarked for certain specific purposes, during the current and the ensuing financial year. Instead of saying anything on this point he has given us a lengthy discussion of certain figures to which I shall refer later, and a few general remarks as to the advisability of further sanitary improvements in the province. As regards the figures I suspected, when the Hon'ble Member was speaking that he had not taken them from any official sources but from an article which appeared in a paper which cannot be said to be remarkable for its accuracy in financial matters. The suspicion was confirmed when the Hon'ble Rai Bahadur Ram Saran Das seconded the resolution. I think it is hardly necessary to discuss those figures. As I have already stated they do not affect the resolution, but I may point out they are entirely wrong. Even the writer of the article himself had great doubts about the accuracy of his figures, for, with a modesty somewhat unusual in the press, he said ' we write subject to correction.' A little knowledge is a dangerous thing in most things, and finance forms no exception to the rule. I think the Hon'ble Mover understands that a sum of 50 lakhs is available for expenditure.

The Hon'ble Mr. Fazl-i-Hussain :—

" Yes."

The Hon'ble Mr. Lumsden :—

" The writer of the article has made various striking errors. He has for instance, quite ignored the fact that with the permanent settlement the first grant of 4 lakhs was stoppe d. He has also entirely failed to note that the original grant was given not for sanitation but for purposes of public health, which of course also include objects outside the minor head ' grants for sanitary purposes,' for instance plague, vaccination and various other matters of that kind. He has also altogether omitted to recognise the large expenditure incurred on sanitary objects which are shown under the head ' 45—Public Works.' The figure on which the resolution is based is thus wrong by some 41 lakhs. Out of the Rs. 52,13,000 balance, which the writer makes out, the error in calculation represents no less than 41 lakhs—a very considerable difference. Consequently it would have been better and safer had the mover of the resolution taken his stand on official figures which are published every year. Those figures are accepted by the Accountant-General and may be taken to be correct.

" Then another objection on the financial side is this. The Hon'ble Member is well aware that in any resolution which would have in itself the effect of exceeding the total expenditure sanctioned by the Government of India, the mover must himself propose a countervailing reduction under any other head so as to provide the necessary money. In the present instance he has offered no suggestions for any countervailing reduction. Not a single project has been singled out for exclusion. He has not even suggested where this 50 lakhs is to come from. Now 50 lakhs is a considerable portion of our budget. A wholesale reduction will be required all round to find this money. As the Hon'ble Members are aware the Hon'ble Mover was a member of the Finance Committee and he

[*Mfr. Lumsden.*]

knows that the total unallotted expenditure of this year is 41 lakhs. So to obtain the necessary money he will require the whole of that amount and will require another 9 lakhs as well. It would be an extremely difficult thing to find all this money as all progress would have to be arrested. Consequently on that ground alone this resolution is absolutely hopeless.

"I think I have said enough as regards the financial aspect. But I should like to say a few words from some other points of view. In this Province the Financial Secretary occupies the extremely arduous if lowly position of Secretariat maid-of-all-work. He is thus interested in this resolution as being the Secretary dealing with Sanitation, the Secretary in charge of Commerce and Industry and the Secretary who looks after Boards and Committees.

"I just want to say a word about these other points of view. As regards Sanitation I do not propose to detain the Council by making any remarks, because that subject is in the hands of the Hon'ble the President of the Sanitary Board who has now returned and will no doubt explain the position to the Council. From the Commerce and Industry aspect I will merely point out that materials of all kinds required for sanitary scheme are very difficult to obtain. Consequently it is extremely expensive to undertake such schemes at present. Many of the materials which are absolutely necessary for sanitary schemes are not obtainable at all, and the Indian Munitions Board have warned us that it is practically impossible for them to give any help in securing materials for works of local importance such as water works and sanitary schemes, even though they may be important from the local point of view. That is a very serious drawback, to any excessive expenditure at the present time.

"Then from the Boards and Committees point of view, I may just explain that as the Local Bodies have already prepared their budgets with a view to finance the objects which they consider important, they have no spare money for any new sanitary schemes, and it would be extremely inconvenient for them to find their share of the funds for any schemes that are thrust upon them. They also have no schemes ready and they cannot prepare schemes at a moment's notice. They cannot obtain materials at a reasonable price owing to the war. I think it is necessary just to look at this resolution from its basic point of view. The Hon'ble Mover has adorned it with many blossoms of eloquence, but it is rather important to see what the root idea really is. Facts are stubborn things and though they may occupy a subordinate position in the realms of oratory they cannot be wholly ignored when words have to be translated into action. What the Hon'ble Mover is really asking Government to do is this. He is asking us to address the Local Bodies in the following terms:—We know that you have no schemes ready and that you cannot prepare schemes at a moment's notice. We know that ill-prepared schemes are certain to lead to trouble in the long run. We know that you have no money to spend and that you can only find money by a great deal of sacrifice. We know that for every ten rupees you spend you will get only Rs. 5 value at the present time. We know that you have been getting on without these schemes for some time and that you are in no immediate hurry to make any improvements. We know that when this money is spent, it is extremely unlikely that you will receive any further assistance from the same source. We know all this, yet because this money is burning a hole in our pockets, we must get rid of it as quickly as possible, although we realise that the consequences will be sheer waste. I cannot think that the Hon'ble Mover has really considered what he is asking us to do. If we were to go so far as to allow ourselves to forget our responsibilities in this way, I am sure that one of the first results would be that a big public meeting would be called to protest against the scandalous waste of public money, and I am by no means certain that the Hon'ble Mover himself would

[*Sardar Bahadur Risaldar Partab Singh ; Mr Maynard.*]

not take the chair at that meeting. In any case the resolution is obviously unsound from every point of view, and I must oppose it most emphatically."

The Hon'ble Sardar Bahadur Risaldar Partab Singh :—

"Your Honour, I oppose this resolution, for the very simple and brief reason that the every pie that we have should be spent on the supply of munitions and every sacrifice that can be made should be made for that and for the treatment of the wounded. The Hon'ble Mover may be assured that the Punjab will go on supplying the needs of the army and that there will be no difficulty if we do not make any special arrangements for sanitation"

The Hon'ble Mr. Maynard :—

"Your Honour, coming as I do almost direct from a meeting of the Sanitary Board at which we have been discussing the various schemes of improvements and possibilities of farther developing our already considerably increasing activities as a result of which we had only ceased to distribute more funds by way of grants-in-aid by reason of the fact that no other schemes were ready for the reception of the expenditure of money, I felt a very strange sensation as I listened to at least one of the speeches which we have heard to-day. I asked myself whether I was dreaming or whether they were dreaming or is it possible that I was mistaken in supposing that in the course of the last ten years I had seen enormous increase in the activities of Government in the direction of sanitation or is it possible that they who sit upon the Local Bodies which are the main recipients of our grants and who are dealing in consultation with ourselves and have the means of acquainting themselves with what is going on, in spite of all this remain so totally ignorant of all the efforts that are being made, and when I thought a little further I saw that perhaps after all I myself and those like me were in some measure to blame for this extraordinary ignorance which we find among those about us. I felt that it is possible that we have failed sufficiently to advertise our doings and that we have somehow failed to let the people know the significance of all the efforts that are being made in the very direction which they so strongly advocate. Therefore, Sir, I am ready to accept that a certain amount of blame attaches to us in this matter, and I feel that the best way in which I can make up for past errors in the way of advertising is to give some brief account of what the Sanitary Board is doing, and has been doing in the past. I should explain, in the first place, that the Sanitary Board is the principal organization through which Government acts in carrying out its policy of sanitary improvements. I myself have in some form or other been connected with the Sanitary Board from the very day of its inception, when I was a junior Under-Secretary and assisted in drafting the resolution in which Sir James Lyall enunciated his policy on sanitation. Since that day up to the present time I have been connected with it in some form or other. I began by drafting the resolution. Later on I happened as Deputy Commissioner to be an applicant, on behalf of a local body, for assistance from its funds. Later I sat upon the Sanitary Board as Secretary, later as Commissioner, and now as Financial Commissioner I find myself its Chairman. Therefore, I may claim that I am fully familiar with the manner in which the policy of Government has been developing in this direction. Well, Sir, for the first ten years of its existence the Sanitary Board had no funds at all and it did not play a very considerable part in the activities of the Province. Then it received an allotment of funds which was at first very, very small indeed, and 9 years ago I recollect that the actual sum we had for distribution was exactly Rs. 30,000. Last year the allotment for the same purpose was 4 lakhs which we distributed entirely. This year it is 4 lakhs, and there is the possibility of another lakh being added. In the last ten years the funds at the disposal of the Sanitary Board for distribution for

[*Mr. Maynard.*]

sanitary works to Local Bodies in the Province have multiplied themselves by something like 15 or 16. Not only that, if we look through the history of the Board we find that a great impetus has been given to its activities by the Sanitary Engineer who has in a certain measure performed those functions which the Hon'ble Mover of this resolution has recommended the Government should take upon itself. Well, Sir, although we have hitherto heard no criticisms on the subject of the policy of the Sanitary Board in distributing its funds, we shall before this discussion is completed hear a question put on this point—why is it that the Sanitary Board insists on Local Bodies finding a portion of the funds to carry out the works? The principle is this. It should be possible for me to spend each rupee, which I have to spend, as to induce somebody else to spend one rupee at the same time. The result will be that the total expenditure will be two rupees instead of one. The Sanitary Board proceeds precisely on that principle. It endeavours so to spend its 1 lakh, or its 2 lakhs or its 3 lakhs that Local Bodies should find a sum equal to the amount it gives, so that the 1 lakh, 2 lakhs or 3 lakhs shall produce a fruitful outlay double that produced if the funds were limited only to those which the Sanitary Board had provided. That is the principal reason or at all events a main reason for insisting upon local contributions to the works for which the Sanitary Board make a grant. But there is yet another reason. In the vigorous onslaught which the Hon'ble Mover of this resolution delivered upon the principles and practice of Local Self-Government, he told us that it could not be supposed that Local Bodies would put forward schemes in sufficient numbers for the sanitary policy of Government to proceed at the proper rate, but he overlooked the principle which I take it is always present in the mind of Government that it is only by self-help that the institution of Local Self-Government can flourish. He, I take it, is the most insidious and deadly enemy of Local Self-Government who would kill it with kindness and insist upon doing for it those things which it ought to be taught to do for itself. That is the second reason why the Sanitary Board insists upon local contributions, and does not present the whole of the funds necessary for a project to Local Bodies. But although the Sanitary Board insists upon this principle it is not pedantic in its method of giving assistance or withholding it. There are conditions in which it is quite prepared to give more than half or even to give the whole of the money which is required, and in many cases it has been done. One particular class of cases is those in which the places which require sanitary improvements are virtually centres for the dissemination of disease, for instance, places of pilgrimages for this or other Provinces. In that case there is no pedantic insistence on the principle that a portion or half of the funds should be found by the locality. The second case is that in which the place where the work is to be carried out happens to be on the main line of communication, so that there are interests more than local which are involved in the protection of the health of those who pass through or visit the place. In that case also the Sanitary Board has to show itself ready to contribute as much as the whole of the funds required. There is also a third class of cases in which the Sanitary Board has to depart from the rigid attitude, I refer to those cases in which the Local Body owing to circumstances, which are of a totally unforeseen character, is deprived of all resources. An instance of that kind is the case of the municipality of the Dera Ghazi Khan which has been financed absolutely throughout either by the Sanitary Board or by Government because it was deprived of all funds by the injury caused by the River Indus. Such, Sir, is the principle which the Sanitary Board follows, and such are its reasons, of course, under the instructions of Government, for departure from this principle.

“ Now another and perhaps the most telling accusation that has been made is this that there has been a lack of initiative on the part of those

[*Mr. Maynard.*]

agencies of Government which are connected with sanitary work and that we have waited for Local Bodies to propose schemes before we had dealt with them. Well, Sir, that I take it is part of the policy of fostering and maintaining Local self-Government. Does the Hon'ble Mover of this resolution seriously desire that we should take things out of the hands of the Local Bodies and thrust upon them schemes which they have not themselves proposed? I can hardly imagine that he or those who like him look upon the development of Local Self-Government as the true basis of any genuine reform would advocate such a destructive course. But here again as in the matter of the principle which is followed in the allocation of grants, I should explain that the Sanitary Board acting as the organ of Government has not adopted any pedantic attitude on the subject of initiation of work. Repeatedly and perhaps more particularly of late, it has taken up an attitude which is scarcely to be distinguished from that of initiation, at all events it has taken up an attitude of very vigorous encouragement, and on a recent occasion when certain Local Bodies in one of the Divisions of the Punjab represented that they did not feel themselves able to attempt to finance particular schemes which were thought necessary for them it helped them in the matter. The officer who forwarded the correspondence was inclined to support them in this view. The Sanitary Board thereupon got the figures of income and expenditure to ascertain how and by what method it would be possible for these bodies to arrange the necessary loans and pointed out to them precisely how they could do it and encouraged them to go on with the schemes. That is something more than merely waiting for schemes to be put forward. This is the policy which is at present followed by the Sanitary Board and which, I hope, will be followed still further. Well, Sir, I realise it is quite impossible for me within anything like reasonable limits without far too much trespassing upon the time of this Council to give anything like a complete sketch of the sanitary activities of Government. But I wish to make it clear that there has been as a matter of fact no recent case in which a proposal for sanitary improvement has been deferred by reason of lack of funds either by the Sanitary Board or indeed by the Local Body concerned. I have looked through all the recent cases which have come before the Sanitary Board. I find that there were certain cases in the year 1915 in which owing to lack of funds there was some delay in carrying out the projects, but in the whole of the year 1916 and in the whole of the year 1917 no such case has occurred with the exception of one with which the Sanitary Board is not directly concerned. This is the case of a very, very big project, the sewerage scheme of Lahore. I may tell the Hon'ble Members that it involves an expenditure on a pre-war basis of 48 lakhs to which we have to add 12 lakhs for the improvement of water-supply which will be the necessary accompaniment. When I say that on a pre war basis it will cost so much, it means that probably that estimate will be very much increased now, so that possibly it may be a matter of 80 lakhs. Hon'ble Members will not be surprised that this particular scheme is delayed. It is not only delayed by the heavy expenditure which is involved but it is also partly delayed by the feeling that it is not right to spend such a large sum of money as this when prices are so high and when the conditions call for retrenchment, and also to some extent by the doubt as to whether the scheme is in all respects as satisfactory as it might be. With this single exception I believe I may say with perfect truth there is not a single sanitary scheme ready for adoption which has been delayed by reason of lack of funds. If I may I will continue so far as to make one further observation upon the subject. It is, I think, clear from the tenor of the resolution which has been brought before this Council that the Hon'ble Mover advocates haste in carrying out the policy of sanitary works. Well, Sir, I must tell this Council something which happened recently

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in order to make it clear to it how great is the danger of excessive haste in the carrying out of any sanitary scheme. Every one here knows that the sub-soil water at Amritsar and in its neighbourhood is very high indeed. The ground is all water-logged, and some years ago in consequence of this water-logging on account of this excessive amount of water in the sub-soil Government arranged to have pumps installed on a comparatively small and experimental scale in order to remove the water from the sub-soil. It was considered that if it was found to be successful it would be extended and that the water extracted from the soil would be used for irrigation purposes, so that two purposes would be served, of unwatering the sub-soil and watering the surface. Well, Sir, recently I had occasion to go to Amritsar with a body of experts, among whom was a very distinguished Indian Engineer. I went with him and saw those pumps at work. He looked at them and saw the water gushing out. Then he said: 'How do you know that the water you are taking out from this soil is not simply making room for more sub-soil water to flow in from the Gurdaspur District? To me it seems an absolutely useless procedure.' The suggested criticism would be no good reason for abandoning the experiment, it would be no good reason for not attempting to find out what could be done in the way of unwatering the sub-soil. But surely it was the most admirable of all possible reasons for further research before developing that experiment any further. In other words it was one of the strongest possible arguments that could be adduced for a cautious and a reasonable advance towards sanitary improvements. As a matter of fact that policy, I understand, is the policy which Your Honour's Government is actually proposing to carry out. I understand that a Committee has been appointed with the object of investigating the conditions so that it may be possible to see the particular action which ought to be taken in order to restore the health of Amritsar. Hasty work in this connection may be complete waste of money, and the policy which Government is following of starting special enquiry and special research is the only policy which should possibly yield reasonable results. This is the justification for the policy which Government is following and of which I fear that the Hon'ble Members know very little, and therefore this will be my only apology for saying something about it. It is quite impossible for me within these limits of time to attempt to describe to the Hon'ble Members what the real activities of Government in the direction of research and in the direction of sanitary work are. I can only hope that the very little I may say will stimulate them to make further enquiry in the matter, and I can only say to them that I am quite sure that those who are concerned in this work will be most glad to give all possible information and to assist them to understand the efforts which are being made on behalf of this Province. There is, as a matter of fact, no such thing as standing still in knowledge. Therefore there must be as there actually is in this country a perpetual and standing system of research. I understand that for a good long time even after it was discovered that the mosquito was the cause of malaria, people believed that there was no danger at all in running water. Well research taught that there is a mosquito which actually breeds in clean running water. When that was discovered many cases became plain which had previously been unexplained, and it was seen that it was not sufficient to make sure that there was no stagnant water or no dirty water because clean water might breed that very disease which it was the object of all sanitary authorities in certain conditions should not develop. That is the reason why the Punjab Government has set up a malaria bureau and has sanctioned a malaria research laboratory which I understand will shortly be erected. Of course there is even now far wider research at the Research Institute at Kasauli, but that is not a

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provincial institution. I understand that a portion of it is shortly to be transferred to Lahore, where it will take the form of a Bacteriological Laboratory. With that Laboratory it will be possible to investigate the conditions of water of all the municipalities in the Punjab, so that it will be subjected to bacteriological investigation just in the same way as it is already subjected to Chemical Examination at the hands of the Chemical Examiner.

"I have to mention two more activities. One of them is about the education of the adult in matters of hygiene. That is a work which has been carried on by an institution originally private in its character, the Society for the Promotion of Scientific Knowledge. Government has very liberally subsidised and supported that institution and has provided the bulk of the funds for the erection of the building in which it is housed and has provided a fund from which it will be enabled to establish a sanitary and hygienic museum. The second point is the training of a staff whose duty it is to see to the carrying out in the towns of the work of sanitation. We are now, I understand, on the point of having in the Punjab a Laboratory in which candidates for the Diploma of Public Health will study. At present we are of necessity compelled to employ persons who have gone through this particular course of instruction in a very expensive way in England. In future it will be possible to employ those who have acquired the necessary instruction in the Punjab. This course will necessarily be less expensive than that in England, and it will therefore be possible to employ men on a lower salary and it will also be possible to employ more of them. This will naturally lead to a considerable advance in practical sanitation.

"Well, Sir, I may say just one word more. I do feel it very strange that the Hon'ble Members when discussing the statistics for mortality in the way in which they were discussed this morning, should ignore all the efforts which all of us are making so vigorously, so conscientiously and so devotedly for the improvement of the conditions of the Province. I do feel as though they were sitting in a cave in the dark with their backs to us, and we were out in the sun and working. I wish that I could only induce them to come out of the cave out of the darkness into light and see what the men out there are doing and co-operate with them. I wish they could work in that way and not remain in the darkness among the cobwebs of their own weaving. Then there will be a better hope of true progress towards those ideals for which we are alike eager."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—

"Your Honour, I beg to accord my hearty support to the resolution as it stands. It however is a matter of great satisfaction, as explained by the Hon'ble Finance Member and by the Hon'ble Mr. Maynard that the Government and the Sanitary Board are doing their best in devising, considering and adopting schemes for the sanitary improvement of the Province; and it is hoped that the unspent balance of the Government of India's assignments and allotments together with substantial contributions from the Provincial revenues as well as from the local bodies will be utilized in improving the rural and urban sanitation of the Province, as soon as such schemes come to maturity; but I wish to have these schemes expedited with special quickness during the current year, as there is a danger of wider spread of plague during this year than the last two-three years; and no one can deny that sanitary surroundings much lesser the chances of epidemic."

The Hon'ble Mr. Fazl-i-Hussain :—

"I am glad, Your Honour, that I have been the occasion of a flood of light having been thrown on the working of the Sanitary Department by the Hon'ble Member in charge and the President of the Sanitary Board. I can

[Mr. Fazl-i-Hussain.]

assure him that it was never intended that the working of that Board should be criticised, and I am very glad indeed that my resolution has been the occasion of light being thrown on the working of that body. I agree with the Hon'ble Mr. Maynard that the people outside do not realise the working of the Board. To my mind the working of the Sanitary Board has a very great educative effect on the people, and I have not the slightest doubt that any Board which is presided over by the Hon'ble Mr. Maynard is sure to work hard and vigorously. Admitting these things I must further tender apologies for appearing to question that there was any particular office or department of Government which was not doing the work allotted to it. That was never intended by me. What I wanted to bring to the notice of Government is this that the Sanitary Department is an exceedingly important department, and since 1908 its importance has been emphasized by the Government of India. That was the impression in my mind when I began to study this question. I think it has been borne out by what has been said by the President of the Sanitary Board that before 1908 he never had more than Rs. 30,000. It was after 1908 that he had begun to get money to a larger extent. I find that from 1908 to 1913 he never had more than Rs. 1,15,000 to deal with, and I also noticed that during one year the Board managed to run through their money with the object of developing the sanitary movement. We know all that, but during one year, he had 1½ lakhs to spend, and he spent only Rs. 38,000. Whether that was due to his anxiety not to hurry the District Boards lest by so doing they should fail to learn the art of Self-Government or whether there are other causes I do not know, but in any case that was what happened. I did not quite follow when he said that we have been saving 15 times the amount that we had before that time. I find that in 1914-15, Rs. 7,50,000 was placed at the disposal of the Board, but during the course of the year no less than about .5 lakhs was withdrawn. Then, again, I do not understand similarly why in the year 1915-16, 8 lakhs was placed at their disposal and during the course of the year Rs. 4,28,000 was withdrawn. I may add here, Your Honour, that these figures that I am giving are not taken from any document which might not be in the possession of the Hon'ble the Finance Member but they are taken from statistics of Advance and Accounts of the Government of India. So I believe they are genuine and not wrong. My impression is that this solicitude for developing Self-Government among Local Bodies has largely, I believe, been responsible for not helping them to learn their work. I think the learning of Self-Government is more or less like teaching a primary school boy by a trained teacher. No doubt too much knowledge should not be put into his mind and his mind is to be gradually allowed to evolve itself. This, I believe, is the latest theory about education. Similarly in the matter of learning care should be taken that too much is not done for the Local Bodies and thus they are not allowed to be killed with kindness. That is the policy which the Hon'ble the President of the Sanitary Board says is being followed, and I heartily endorse that policy. But in the case of matters such as filling up the pools, etc., it seems to me that it is not exactly the question of allowing Local Bodies to learn things, but it is a question of curing a diseased person. If a person is suffering from a disease, you have to administer medicine for that disease. Unless you do that, and not leave it to him to learn that nature cures most of the diseases, he may not become all right. There is no doubt that in some cases nature does the necessary cure, but it is not so in every case. And I find that in matters sanitary the Local Bodies have to be treated in the same special way, and medicines have to be doled out. In some cases it may be found that Local Bodies are quite willing to submit schemes of sanitary reform. But I may be wrong in that view. In any case I can assure the Council that if a 'water works' were compulsorily

[Mr. Fazl-i-Hussain.]

presented to a town, there will be no public meeting in order to question the advisability of that action, and even if it is held, it will not be presided over by me.

"As to the question of initiative, I am very glad indeed to hear that the Sanitary Board has taken up some initiative work. But I may point out that a large number of Local Bodies have really got no person on their Engineering Establishment, with the result that they are unable to work out certain projects. Would it be possible for the Sanitary Board to consider the advisability of placing some of their Engineering Establishment at the disposal of local bodies to help them if they stand in need of it? I am throwing out this suggestion for what it is worth for the consideration of the Sanitary Board.

"Then with reference to the question of figures. Your Honour, I may say that like any one belonging to an educational institution I am exceedingly anxious to learn from any master anything that is to be learnt specially with reference to technical matters, connected with finance, for instance, but I think my Hon'ble Colleague was rather hasty in attributing that my source of inspiration was no other than an article in a paper—the *Tribune*. That is not the fact. I really do not know why he hastily ascribed my inspiration to that paper. As a matter of fact, as I have said, I have taken my figures from the Statistics of the Government of India, Advance and Accounts. I find that even in the report of the Sanitary Conference that is published in Part II there is a letter from the Revenue Secretary to Government, Punjab, addressed to the Secretary of the Sanitary Board, Punjab, and in paragraph 2 of that letter there is a mention of 30 lakhs of rupees which has to be spent, including no doubt 14 lakhs of non-recurring grant. But I presume that the 12 lakhs which is mentioned is possibly the 12 lakhs which has come from the Government of India and has to be spent by the Local Government, so much so that it was earmarked for that purpose. Although a strong attack was made on the source of my information, the Hon'ble the Finance Member did not meet this position whether this 12 lakhs has been so spent or not.

"Then as to the various heads of expenditure. I am very well acquainted with the fact that there are three separate heads under which expenditure is tabulated—Sanitation, Plague and Pasteur Institute. I still do not feel quite convinced that an explanation has been given about the figures that I gave. On the facts that are at my disposal, I am inclined to think that as a matter of fact as soon as the Government of India made a grant of 4 lakhs the Local Government feeling that they have been spending 5½ lakhs did not make a provision in the budget for this, as in my humble opinion, they ought to have made for the extra amount received. The statement that I have seen with reference to the various budgets also tends to show that this theory is correct, though as I have said in my first address I am placing these facts before the Council as facts from a person who has no claim whatsoever to be an expert in matters sanitary or financial, and as facts that he quotes subject to correction, but I regret that that correction has not come, although an attack on the source of my knowledge has come rather strongly.

"Then as to certain preliminary objections and technical pleas, as is the case with all technical pleas and preliminary objections, I really do not think that they touch the subject matter of the resolution. It is quite true that I was a Member of the Finance Committee and that the matter was discussed in the Finance Committee. I then came to know that a surplus of about 30 lakhs was also available during the current year. I also came to know that that money cannot be touched by any Member of the Finance Committee, nor could they in the Finance Committee move any resolution with reference to it. I

[Mr. Fazl-i-Hussain.]

also came to know from the Secretary of the Finance Committee that any suggestion to be made about it could be made either by a letter addressed to the Government on the subject or by moving a resolution in the Council. All that I have done is that I have complied with his suggestion, and I think he is estopped from raising the point of estoppel. With reference to the budget I fully realize that the budget has gone up to the Government of India, but what I hoped to attain by moving this resolution was to draw pointedly the attention of Government to the importance of this matter and to see whether as a matter of fact sanitation was getting all the money that it was entitled to or not. Your Honour is aware that the department which is not in a position by its brilliance to attract public attention, is itself more or less living in the dark and therefore it is likely to be neglected also. I do not think there was any particular harm in bringing this matter prominently to the notice of the Council and I hope I have succeeded in doing that. If Your Honour and this Council consider that a case has been made out as to some money being spent during the current year and steps being taken to spend it in the next year it is for Your Honour and this Council to determine. The argument as to countervailing reduction I do not feel applies. With reference to the balance in hand, that is to say the unspent balance of the current year, I do not think there is any need to suggest any reduction whatsoever.

"Then with reference to the materials and so forth. My charge was with reference firstly to the period that was not covered by the war, that is to say before August 1914. This point has not been met by the Finance Member at all. The present suggestion is not one which involves the importation of any machinery or any other thing that is to be indented for. The proposal that I definitely put forward was with reference to the filling up of water-logged areas which get flooded and thus afford a chance of breeding malaria germs. I suppose the filling up of pools and depressions need labour and no particular machinery.

"I quite agree that nothing should be done in haste and that excessive haste in any case is to be avoided, but I should have thought, Your Honour, that since 1908 it should have been possible for the Sanitary Board to have some sort of general scheme for the Punjab whereby these depressions which cause malaria to develop, could be filled up. Such a scheme is provincial from its very nature—

"I quite agree that experiments have been made. I do not want that the Sanitary Board or any other body should have taken action where action would be undesirable.

"As to the Society for the Promotion of Scientific Knowledge. I am a life-member of the Society for the Promotion of Scientific Knowledge. I am very glad to hear that the Sanitary Board thinks so well of it. I have no doubt that that body has a career of usefulness before it. Your Honour, I quite agree with the remarks which have fallen from the lips of the Hon'ble the President of the Sanitary Board. What we want is not carping criticism but co-operation, and I for one would be the first to recognise the untiring zeal and energy with which the Sanitary Board has been working and is going on working and I trust will go on working. What we want are workers who work sedulously in this direction why should they work in the darkness of office seclusion and leave the persons out in sunshine to draw their own conclusions as to what good work is being done for them in the dark. We invite those persons to come out into the sunshine, work with us and thus appreciate the sunshine. Why not proclaim the work that has been done so that we may show our gratitude that we appreciate the good work that is done.

[*His Honour The President ; Mr. Fazl-i-Hussain.*]

" I further want to say that it is not my intention that the resolution should be pressed to a division at all. My object was to have some ventilation of ideas on this exceedingly important subject, a subject which is likely to be left in the dark because it is not so attractive for public *dais*."

His Honour the President :—

" I understand that the Hon'ble Mover has secured the object he had in view of eliciting complete information on the working of the Sanitary Board and does not wish to press the resolution."

The Hon'ble Mr. Fazl-i-Husain :—

" Yes : I am very glad for the information that I have obtained. I wish the Sanitary Board a long career of useful activity."

The resolution was by permission withdrawn.

ADJOURNMENT.

The Council adjourned to the 13th of March 1918.

LAHORE :
The 7th February 1918. }
}

S. W. GRACEY,
Secretary, Legislative Council.

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 Government of India Act, 1915.

THE Council met at Government House, Lahore, at 10-30 A.M., on Wednesday, the 13th March 1918.

PRESENT:

His Honour Sir MICHAEL FRANCIS O'DWYER, G.C.I.E., K.C.S.I., I.C.S.,
Lieutenant-Governor, *Presiding.*

The Hon'ble Mr. JOHN PERRONET THOMPSON, I.C.S.

The Hon'ble Sardar Bahadur Risaldar Sardar PARTAP SINGH.

The Hon'ble Mr. JAMES ALEXANDER RICHEY.

The Hon'ble Mr. HERBERT JOHN MAYNARD, C.S.I., I.C.S.

The Hon'ble Mr. OSWALD FARQUHAR LUMSDEN, I.C.S.

The Hon'ble Sardar Bahadur Sardar GAJJAN SINGH.

The Hon'ble Rao Bahadur Chaudhri LAL CHAND.

The Hon'ble Khan Bahadur Sayad MEHDI SHAH.

The Hon'ble Pandit JAWAHAR LAL, BHARGAVA.

The Hon'ble Rai Bahadur RAM SARAN DAS, C.I.E.

The Hon'ble Mr. WILLIAM FREDERICK HOLMS.

The Hon'ble Mr. JAMES CURRIE.

The Hon'ble Rai Bahadur BAKHSHI SOHAN LAL.

The Hon'ble Rai Bahadur Raizada BHAGAT RAM.

The Hon'ble Sayad MAKHDUM RAJAN SHAH.

The Hon'ble Mr. CREWE ARMAND HAMILTON TOWNSEND, I.C.S.

The Hon'ble Mr. CHARLES JOSEPH HALLIFAX, I.C.S.

The Hon'ble Khan Sahib Mirza MUHAMMAD IKRAM ULLAH KHAN.

The Hon'ble Diwan Bahadur Diwan DAULAT RAI.

The Hon'ble Mr. EDWIN WOODALL PARKER.

The Hon'ble Khan Bahadur Mian FAZL-I-HUSSAIN.

The Hon'ble Mr. HENRY DUFFIELD CRAIK, I.C.S.

The Hon'ble Khan Bahadur Malik MUHAMMAD AMIN KHAN.

The Hon'ble Colonel HAROLD HENDLEY, M.D., I.M.S.

The Hon'ble Mr. STEPHEN WILLIAM GRACEY, I.C.S.

[Rai Bahadur Ram Saran Das; Mr. Lumsden.]

QUESTIONS AND ANSWERS,

The Hon'ble Rai Bahadur Ram Saran Das asked :—

Wheat as staple food of Government servants.

1. “(a) Will the Government kindly state whether or not it is a fact that wheat is the staple food of (i) all literate employees of the Crown, (ii) even the poorest residents of urban areas ?

“(b) Will the Government kindly state whether, before the orders of 1915 were passed on the subject, enquiries regarding staple food of literate employees of the Crown and of people residing in urban areas were made from local officers ?

“(c) If such enquiries were made, is the Government prepared, in order to remove misunderstanding in the public mind, to lay on the table of this Council the nature and results of such enquiries ?

“(d) If no such enquiries were held will the Government kindly consider whether it will, in the public interest, hold such an enquiry ?”

The Hon'ble Mr. Lumsden replied :—

“(a) It is believed that in most districts a large majority of literate employees of the Crown ordinarily eat wheat, but those employees who are drawn from the agricultural classes and belong to districts in which other food grains are commonly used, not infrequently eat the latter. It is also probably true that even the poorest residents in urban areas eat wheat when they can afford it, but when the price of this commodity rises very high, it is understood that in most parts of the province, at any rate, they have recourse to the cheaper grains.]

“(b) I would again invite the attention of the Hon'ble Member to the Press *Communiqué* on the subject of these allowances to which I have already twice referred him. In that *communiqué* will be found the following passage :—

“After a careful consideration of the whole question and consultation with district authorities the system now in force was adopted.”

In this connection I would point out that the Hon'ble Member does not appear to have studied the rules governing the grant of these allowances. They will be found in Article 72 of Civil Account Code. Note 1 at the end of that article reads as follows :—

“The common staple food of the district, taluk, or other sub-division means the cheapest grain of any kind commonly used by the people of that tract.”

“It will be seen that the rules do not differentiate between literate and illiterate employees, and do not admit of any special concessions towards meeting the special tastes of any particular class or section of Government servants. The staple food on the price on which calculations must be based cannot, therefore, be taken as the staple food of any particular class as this would be a direct contravention of the Government of India orders.”

“(c) Government is not aware and has no reason to believe that any misunderstanding exists in the public mind regarding grain compensation allowance, but copies of the letters issued in 1908 and 1915, together with consolidated statements showing the results, are laid on the table.* The present system, introduced after careful consideration of the results of these enquiries and consultation with the Financial

Commissioners, partakes of the nature of compromise while remaining in conformity with the letter and spirit of the Government of India orders, and is believed to embody a decision which is fair and equitable both to Government and to its employees.

“(d) From the replies to the first three sections of the question it will be seen that this question does not arise.”

*Not printed.

[Rai Bahadur Ram Saran Das; Mr. Lumsden.]

The Hon'ble Rai Bahadur Ram Saran Das asked :—

2. "With reference to question No. 31 put by me in the last Council, if it is not within the discretion of the Provincial Government to show separately, in the financial statement, expenditure on primary education, will the Government kindly state whether it would be possible for them to show this amount separately in the memorandum prepared annually by the Financial Member?"

Expenditure on primary education.

The Hon'ble Mr. Lumsden replied :—

"In respect of the figures for the previous financial year, as I have already explained to the Hon'ble Member, full details can be found in the statements appended to the Educational Report. The Financial Secretary's memorandum deals with the revised estimates of the current year and the budget estimates of the coming year. As expenditure on primary education is not recorded in the Provincial accounts under separate heads, and as many High and Middle Schools have Primary Departments attached to them, it would be a matter of some difficulty to give accurate figures of the expenditure anticipated on primary education in the revised and ensuing years' estimates. Approximate figures, at any rate of new expenditure, could perhaps be given by the Director of Public Instruction when introducing the budget head, and it would, I think, be more appropriate that such details should be left to him rather than included in the Financial Memorandum."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

3. "With reference to question No. 35 put by me in the last Council meeting will the Government kindly state whether in connection with the extension of the elective system in local self-governing bodies and reduction of official element in such bodies, the Government will, before passing final orders, take the public into confidence and publish their proposals on the subject in the official gazette with a view to invite criticism thereon?"

Official element in local self-governing bodies.

The Hon'ble Mr. Lumsden replied :—

"The Hon'ble Member seems to assume that the orders will be of general application whereas the conditions vary so much not only from district to district but from town to town that each individual case must be decided on its merits. The only opinion which is really relevant in such circumstances is that of the local area concerned, and full opportunity is being afforded for the expression of that opinion. Government is not prepared to admit the insinuation that the public directly concerned is not, under present arrangements, taken into confidence, and it sees no reason to suppose that publication in the official gazette would be of any practical benefit. It is, however, proposed to issue a resolution explaining the original views of Government, the enquiries made, the results reported or objections received and the final decision come to."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

4. "(a) Will the Government kindly state whether they have received a representation from assistants and clerks employed in the Government of India Secretariat on the subject of house accommodation in Simla?"

Definition of "house" in Simla House Act.

"(b) Is the Government aware that the Simla House Accommodation Committee has interpreted the term "House" in a way which was never intended by the legislature?"

[4 *Rai Bahadur Ram Saran Das ; Mr. Lumsden ; Mr. Maynard.*]

"(c) Will the Government kindly state what action they propose to take on this interpretation of the House Accommodation Committee? Does the Government intend to amend the Act so as to make the meaning of the term "House" to include houses or parts of houses usually occupied by clerks and assistants?"

"(d) Will the Government kindly state why the Act has not been made applicable to the Lower Bazar in Simla?"

The Hon'ble Mr. Lumsden replied:—

"The answers to clauses (a), (b) and the latter part of clause (c) are in the affirmative. A Bill to amend the Act on the lines indicated has been drafted and is being introduced to-day.

"(d) The Hon'ble Member is not correct in his assumption that the Act does not apply to the whole of Simla."

The Hon'ble Rai Bahadur Ram Saran Das asked:—

5. "(a) Is the Government aware that the Government contribution to the extent of half the total cost of sanitary works is not adequate to encourage the local bodies, whose resources are already scanty, to undertake large schemes of such works?"

"(b) Will the Government kindly state whether it proposes to increase the proportion of Government grants-in-aid towards the cost of sanitary works to the extent of three-fourths as is done at present in the case of urban schools?"

The Hon'ble Mr. Maynard replied:—

"(a) No case has occurred in 1916 or 1917 or 1918 in which the execution of a sanitary work has been delayed by reason of the inability of a local body to finance its share of the cost, except in the instance of the waterborne sewerage scheme for Lahore, which is estimated at pre-war rates to cost about sixty lakhs, inclusive of the cost of additional water for flushing purposes.

"(b) One advantage of requiring local bodies to provide a substantial proportion of the funds required for sanitary works is that the total amount available for expenditure on sanitation is thus substantially increased. It should be, and in practice is, possible to use the money available for grants in such a manner as to ensure the expenditure of an equal amount by local bodies. Another advantage of the policy is that by demanding some measure of self-help a test is applied to the genuineness of the local desire for an improvement. If there is no genuine local desire for an improvement, as manifested by a willingness to spend local money, it is not likely that care will be taken to keep the work in good condition after it has been constructed. A third reason is that excessive subventions undermine the character and spirit of local self-Government.

"Government does not propose to alter the existing policy regarding the scale of grants. That policy is, in the case of urban works, to limit the grant in ordinary cases to half of the cost. It is departed from when local resources are really exhausted (e. g., recently in the cases of Ambala and Dera Ghazi Khan) and when more than a local interest is at stake (e. g., when a particular locality is a resort of pilgrims or situated on a main line of communication). It is also not rigidly insisted upon for purely rural sanitary works, so long as the principle of local self-help is observed.

Government's grant towards sanitary works carried out by local bodies.

[*Rai Bahadur Ram Saran Das ; Mr. Maynard ; Mr. Lumsden.*]

The Hon'ble Rai Bahadur Ram Saran Das asked :—

6. "Will the Government kindly state whether it is intended to construct a programme of sanitary works for each district for a number of years in advance in a way similar to that proposed for primary education ?" Programme of sanitary works for districts.

The Hon'ble Mr. Maynard replied :—

"At present, as will appear from the answer to question 5 (a), there is no ground for expecting that sanitary schemes of a satisfactory kind can be prepared more rapidly than they can be financed. But it rests with local bodies to prepare such schemes as rapidly as it is feasible to do so.

The Hon'ble Rai Bahadur Ram Saran Das asked :—

7. "Will the Government kindly state what are the functions of the Sanitary Commissioner, Sanitary Engineer and Deputy Sanitary Commissioner? Do they take any initiative in constructing programmes of sanitary works?" Functions of certain sanitary officers.

The Hon'ble Mr. Maynard replied :—

"The functions of the Sanitary Commissioner and Deputy Sanitary Commissioner are stated in paragraphs 459-480 of the Punjab Medical Manual, 1910. They include the suggestion of measures for the improvement of sanitary conditions and for the elimination of disease : and such suggestions form a regular part of the inspection notes which these officers prepare after their local visits, and often have the practical effect of initiating sanitary works.

"The functions of the Sanitary Engineer are stated in chapter 3 of the Public Works Department Manual and in Appendix 3-A. He is the executive officer of the Sanitary Board and the Expert Adviser of that Board and of the Local Government in all matters relating to Sanitary Engineering. He visits any locality which he is directed by the Sanitary Board to inspect and reports wherein he considers it deficient in sanitary works. He has no direct responsibility for the initiation of sanitary works. But in practice he draws attention to defects, and makes proposals for their amendment, and he has recently laid before the Sanitary Board information regarding neglect by local bodies in respect to the proper maintenance of water-works and other sanitary works, which have been made the basis of action by the Board."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

8. "Will the Government kindly lay before this Council the information asked for by me in question No. 38 of the last Council meeting?" Utilisation of Imperial and Provincial grants for sanitary purposes.

The Hon'ble Mr. Lumsden replied :—

"(a) The recurring Imperial assignment of Rs. 21,667 (Rs. 22,000 round) has been expended on the salaries of Health Officers for local bodies and charges in connection with the cost of the appointment of Additional Deputy Sanitary Commissioner. Details of the expenditure are given in a separate statement."

*Appendix I.
It will be seen that the total expenditure shown in the statement amounts to Rs. 82,064 against the total of the grants for the four years which comes to Rs. 86,668. The former figure, however, does not include the travelling allowance of the Additional Deputy Sanitary Commissioner or the contingent charges of his office. Details of these items are not available, but if they were added, it is probable that the grant would be shown as overspent.

"(b) It is not possible to give the details asked for by the Hon'ble Member previous to 1911-12 because no *pro forma* account of the expenditure against the Imperial assignments was maintained before that year, so that it cannot be seen how these grants were distributed over the different heads included in the term 'public health.' It will be observed, however, that even under the

[Rai Bahadur Ram Saran Das ; Mr. Lumsden.]

Sanitation head, the expenditure has each year considerably exceeded the amount of the Imperial grant. The new Provincial settlement came into force with effect from the 1st April 1911, and the previous grants including the recurring assignment of four lakhs for sanitation and public health were abolished. At the end of the financial year 1910-11, a special grant of 5 lakhs was made to the Local Government for expenditure in subsequent years. Including this sum the total of the Imperial assignments for sanitary works during the six years 1911-17 amounts to Rs. 46,58,000 round. Against this, sums aggregating Rs. 35,41,000 have been shown in the *pro forma* account as debited to the Imperial assignments, leaving a balance of Rs. 11,17,000 at the beginning of the current financial year.

"(c) As has been explained in the last question it is not possible to furnish the information required for the years prior to 1911-12. The

necessary information in respect of the last six years is given in the statement* placed on the table. The grants made to the local bodies for health officers have been omitted from the statement as they have already been dealt with in the reply to the first part of the question. In addition, Government has made indirect subventions to various local bodies by foregoing the whole or a portion of the departmental charges in respect of works carried out by the Public Works Department. As the departmental charges are really only an estimate of the extra cost involved and are worked out at a percentage rate on the total cost it is not possible to give accurate figures to show the charges borne by Provincial Revenues on this account. Enquiries from the Accountant-General, however, have elicited the fact that they probably amount to somewhere about 3 lakhs during the six years mentioned.

"(d) The reply is in the affirmative.

"A list† of rural sanitary works for which grants have been made out of the Imperial assignments during the years 1914-15 to 1917-18 is placed on the table."

†Appendix III.

The Hon'ble Rai Bahadur Ram Saran Das asked :—

9. "(a) Will the Government kindly furnish a statement showing separately for each year the Provincial expenditure on heads Sanitation and Plague Preventive Measures for the years—(i) 1902-03 to 1907-08, (ii) 1908-09 to 1917-18, (iii) the average expenditure per year during the first period, (iv) average expenditure per year during the second period. The total expenditure on these two heads during the last ten years may kindly be given. It may also be stated what was the total amount of grants, recurring and non-recurring, made by the Government of India to this province during the last ten years ?

"(b) Will the Government kindly state for the information of the public what grants for sanitary purposes have been made to local bodies for each year during the period 1908-09 to 1917-18 ?"

10. "If any sanitary expenditure, met out of the Imperial grants during the last ten years has been included under head '45—Civil Works,' will the Government kindly give the details of such expenditure ?"

The Hon'ble Mr. Lumsden replied :—

"(i) and (iii).—The statement† is laid on the table. It does not, however, include expenditure in connection with the Pasteur Institute as this was not classified under the sanitation minor head at the time. These charges amounted to about Rs. 16,000 per annum during the period in question. (ii) The Hon'ble Member is referred to statement laid on the table in connection with a similar question to

†See Appendix IV.

Provincial expenditure on sanitation and plague preventive measures.

Sanitary expenditure out of Imperial grants.

[Rai Bahadur Ram Saran Das ; Mr. Lumsden.]

be asked by the Hon'ble Khan Bahadur Fazal-i-Hussain to-day. This shows the expenditure during the years 1908-09 to 1916-17. Figures for 1917-18 are, of course, not available yet, but the revised estimate which is based on the most up-to-date information will be found in the memorandum in the hands of members. (iv) The total expenditure under the various detailed heads which are now included in the major head '24-B—Sanitation' for the last ten years (including the revised estimate for the current year) is approximately Rs. 88,92,000 giving an average of about Rs. 8,89,000 per annum.

"The last part of the Hon'ble Member's question is too vague to admit of any definite reply. If he is referring to grants for urban sanitary schemes, the information will be found in the statement placed on the table in reply to his last question. If he requires the total grants of every description, that is, including such grants as the fixed adjustment of Rs. 4,86,000 under the Provincial settlement and the assignment on account of the Imperial share of the sale-proceeds of sites for shops and residences in towns I would refer him to the Appendix A of the Financial Statement supplied every year to members.

"(b) A statement* giving the particulars desired is laid upon the table. The information may be summarised as follows:—

*Not printed.

Year.	No of Grants,	Total amount granted,
		Rs.
1908-09	...	8
1909-10	...	20
1910-11	...	12
1911-12	...	26
1912-13	...	17
1913-14	...	30
1914-15	...	26
1915-16	...	19
1916-17	...	23
1917-18	...	12
		Rs.
		72,878
		1,43,625
		57,037
		3,60,980
		2,40,754
		16,68,446
		5,79,011
		3,88,526
		3,99,700
		2,89,007

"The details asked for in Question No. 10 are as follows:—

Year.	No of Grants,	Total amount granted,
		Rs.
1912-13	...	2,85,000
1913-14	...	10,16,000

"The figures are approximate and do not include expenditure prior to the year 1911-12 for the reasons already explained, nor do they include indirect charges on account of establishment, tools and plant in the case of sanitary works carried out for local bodies by the Public Works Department."

The Hon'ble Rai Bahadur Ram Saran Das asked:—

11. "In view of the fact that in the Imperial Council it has been decided to allow non-official members to discuss the financial statement at the initial stage, will the Government kindly state whether they intend to follow the new system in this Council as well? If not, will the Government kindly state, for the information of the public, reasons for not doing so?"

The Hon'ble Mr. Lumsden replied:—

"This Government has no power to make any alterations in the procedure laid down without the sanction of the Government of India. The Hon'ble Member also overlooks the fact that the representatives of the non-official members already enjoy an opportunity of discussing the Financial State-

Discussion of
Financial
Statement at
its initial
stage by non-
official mem-
bers.

[*Rai Bahadur Ram Saran Das ; Mr. Richey ; Mr. Holms.*]

ment at the meetings of the Finance Committee. The matter is, however, under consideration and Government is willing to meet any reasonable suggestions for further discussion and would be glad if members would express their views on the subject at the time of the budget debate."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

Five years' programme for extension of primary education.

12. "Will the Government kindly state whether their five-year programme for the extension of primary education has by this time been completed? If so, will they kindly lay it on the table of this Council?"

The Hon'ble Mr. Richey replied :—

"The five-year programmes are still under preparation by Inspectors in consultation with district boards. On completion it will be necessary for them to be approved both by district boards and Government.

"Copies will then be laid on the table as desired by the Hon'ble Member."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

Cost of new works under head '45—Civil Works.'

13. "Will the Government kindly give, for the information of this Council, a list of new works, together with the cost of each such work that has been included under head '45—Civil Works' for the new year 1918-19?"

The Hon'ble Mr. Holms replied :—

"The new works provisionally approved by the Financial Department for execution in 1918-19 are shown in the lists* placed on the table. These lists are subject to revision should the financial conditions alter later on."

*Not printed.

The Hon'ble Rai Bahadur Ram Saran Das asked :—

Revision of water-rates on the Upper Bari Doab Canal.

14. "Will the Government kindly state whether it is under contemplation to revise and enhance water-rates on the Upper Bari Doab Canal? If so, will they kindly state the reasons that have led them to undertake this step?"

The Hon'ble Mr. Holms replied :—

"The present schedule of rates was introduced in June 1891, and consequently has been in force for nearly 27 years. It is pitched much lower than any of the schedules now current on the other great perennial canals of the province. An enquiry is, therefore, being made to see how far the schedule is suitable to present conditions, and the result of this enquiry will indicate whether any, and, if so, what enhancement is desirable.

"The intention, however, is to adhere to present schedule until after the war."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

Increase in area irrigated by the Upper Bari Doab Canal.

15. "(a) Is it a fact that the area under irrigation by the Upper Bari Doab Canal has, since the fixing of the present water-rates, been considerably increased? If so, the extent of such increase may kindly be indicated.

"(b) Is it a fact that the increase in area irrigated by this canal has been made possible by curtailment of water-supply to old consumers?"

"(c) Has the Ravi discharge into the canal during this period been increased? If so, to what extent?"

[Mr. Holms ; Rai Bahadur Ram Saran Das ; Mr. Lumsden ;
Khan Bahadur Mian Fazl-i-Hussain ; Mr. Richey.]

The Hon'ble Mr. Holms replied :—

" (a) When the present water rates were fixed the area irrigated was just under 6 lakhs, while, during the year ending March 1917, it was just over 12 lakhs of acres. There is no reason to believe that the increase in area irrigated has been accompanied by any decrease in outturn.

" (b) and (c) In the year 1891-92 the maximum discharge of canal as designed was only 3,000 cusecs. Now the canal can safely carry 6,700 cusecs, and often does so. That the canal can now irrigate twice as large an area as 27 years ago is largely due to its increased capacity, but partly, no doubt, also to an advance in irrigation science and methods which have reduced the loss of water in its course from the river to its ultimate destination, the fields."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

16. " Will the Government kindly state whether it is under contemplation to introduce the system of having non-official presidents in big municipalities and district boards as an experimental measure? "

Non-official presidents in municipalities and district boards.

The Hon'ble Mr. Lumsden replied :—

" As regards municipalities I would refer the Hon'ble Member to the reply given by me to a similar question asked by the Hon'ble Sayed Makhdum Rajan Shah at the meeting of Council held on 6th November 1917.

" In respect of district boards I would similarly refer the Hon'ble Member to the answer furnished to the Hon'ble Chaudhri Lal Chand at the same meeting. Government has recently made definite enquiries as to the possibility of replacing official chairmen of district boards by non-officials, but the replies so far received indicate that the non-official members of the Boards are definitely opposed to the proposal. Where non-official members express a genuine and general desire to have a non-official chairman Government will readily consider the question of giving effect to their wishes."

The Hon'ble Khan Bahadur Mian Fazal-i-Hussain asked :—

17. " Will the Government be pleased to lay on the table a statement showing the expenditure recurring and on buildings, etc., under budget head 45 separately from (a) Provincial Revenues, (b) Government of India grants on Primary, Secondary and Collegiate education, respectively, during the years 1910-11, 1912-13, 1915-16 and 1916-17? "

Expenditure on buildings in connection with Education in certain years.

The Hon'ble Mr. Richey replied :—

" It is not quite clear what distinction the Hon'ble Member wishes to draw between ' recurring ' expenditure and expenditure on buildings, etc.

" The recurring expenditure under budget head ' 45—Civil Works ' is all spent on the maintenance and repair of buildings.

" The following figures are, however, supplied for the years, 1912-13, 1915-16 and 1916-17. Similar detailed figures for the year 1910-11 are not available :—

RECURRING EXPENDITURE (REPAIRS).

Provincial Revenues.¹

Year.	Colleges.	Secondary Schools.	Primary Schools.
	Rs.	Rs.	
1912-13 ...	7,186	19,230	...
1915-16 ...	9,002	32,184	...
1916-17 ...	22,565	39,640	...

[Khan Bahadur Mian Fazl-i-Hussain ; Mr. Lumsden ;
Colonel Hendley.]

Imperial Revenues.

Nil.

NON-RECURRING EXPENDITURE (ORIGINAL WORKS).

Year.	Provincial Revenues.		
	Colleges.	Secondary Schools.	Primary Schools.
	Rs.	Rs.	
1912-13 ...	79,484	54,566	...
1915-16 ...	91,847	1,85,631	...
1916-17 ...	50,522	1,46,496	...
	Imperial Revenues.		
	Rs.	Rs.	
1912-13 ...	8,487	2,70,468	...
1915-16 ...	...	2 31,945	...
1916-17 ...	...	...	...

"It will be noticed that there is no expenditure on primary school buildings, since the primary departments of High Schools and the practising schools for Normal schools are located in the buildings belonging to those institutions. There are no other Government Primary Schools."

The Hon'ble Khan Bahadur Mian Fazal-i-Hussain asked :—

18. "Will the Government be pleased to lay on the table a statement showing the expenditure on Sanitation under its three sub-heads and under the Budget head 45, and other heads, if any from (a) Provincial Revenues, (b) Government of India grants, for the following years :—1908-09, 1909-10, 1910-11, 1911-12, 1912-13, 1913-14, 1914-15, 1915-16, 1916-17 ?"

The Hon'ble Mr. Lumsden replied :—

"The statement* is laid on the table. As pointed out, however, in the reply to a similar question by the Hon'ble Rai Bahadur. Ram Saran Das, these figures do not include the indirect charges on account of establishment, tools and plant in connection with the works carried out for local bodies by the Public Works Department, while no *pro forma* account of the expenditure debited to the Imperial grants was maintained before the year 1911-12, so that it is not possible to say what portions of the grants were debited to Sanitation proper and what portions were expended on other purposes relating to public health, e.g., to assist poor dispensaries."

*See Appendix V.

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain asked :—

19. "Will the Government be pleased to state (a) the total number of the Indian Medical Service Officers of the Punjab who have proceeded on war service, (b) the total number of vacancies filled by private practitioners (those not in Government service already), and the names and emoluments of the said private practitioners ?"

The Hon'ble Colonel Hendley replied :—

"(a) Thirty-one Indian Medical Service Officers of the Punjab have been reverted to the military service since the outbreak of the war.

Expenditure on Sanitation.

Filling of vacancies in place of Indian Medical Service Officers Proceeding on war service.

[Khan Bahadur Mian Fazl-i-Hussain ; Mr. Thompson ; Khan Sahib Mirza Muhammad Ikram Ullah Khan.]

"(b) Three private practitioners have been engaged to fill vacancies in the Provincial Cadre. Their names and the appointments they hold, with their emoluments, are—

- (1) Dr. H. F. Lechmere Taylor, M.D., Professor of Ophthalmology, King Edward Medical College, Lahore, pay Rs. 700 per mensem + Rs. 300 per mensem as professorial allowance.
- (2) Dr. W. S. Robertson, M.B., Ch.B., Professor of Operative Surgery, King Edward Medical College, Lahore, pay Rs. 700 per mensem + Rs. 300 per mensem as professorial allowance.
- (3) Dr. A. E. Moore, M.R.C.S., L.R.C.P., Civil Surgeon, pay Rs. 700 per mensem."

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain asked :—

20. "Will the Government be pleased to lay on the table a statement showing—(a) the total number of persons now under orders of internment or restriction passed by the Local Government, under the Defence of India Act, or any other War measure; (b) the number of those who on 28th February 1918 have been under internment or restriction orders for more than two years, for a period of one or two years, and for less than one year?"

Number of persons interned under Defence of India Act.

"Has the attention of the Government been drawn to articles entitled 'Bahi Khata,' in the issues of 16th January and 16th February 1918, in the newspaper *Al Munir* of Jhang?"

The Hon'ble Mr. Thompson replied :—

* See Appendix VI.

"A statement* is laid on the table.

"The answer to the second part of the question is, 'Yes.'"

The Hon'ble Khan Sahib Mirza Muhammad Ikram Ullah Khan asked :—

21. "Will the Government be pleased to lay on the Council table a copy of each book, which a candidate for examination for the post of an Extra Assistant Commissioner is required to study in order to prepare himself for the same?"

Extra Assistant Commissioners' examination.

"(b) Is it a fact that in the examination of candidates for the posts of Extra Assistant Commissioners separate papers are set for Treasury Accounts and such other subjects whereas the Civil Law and the Criminal Law are both mixed up in one and the same paper, and, if so, will the Government be pleased to consider the advisability of setting separate papers for the Civil Law and the Criminal Law?"

"(c) Is it also a fact that the question may contain references to the latest rulings of the Chief Court and other High Courts, and, if so, will the Government be pleased to state what arrangement is made to supply the candidates with such rulings up to date of their examination?"

The Hon'ble Mr. Thompson replied :—

"The Hon'ble Member's questions appear to refer to the departmental examination.

"The list of books set is always notified in the Gazette, and it seems unnecessary to produce the books themselves for the Hon'ble Member's inspection."

[*Khan Sahib Mirza Muhammad Ikram Ullah Khan; Colonel Hendley; Pandit Jawahar Lal Bhargava; Mr. Maynard; Mr. Lumsden.*]

"(b) It is not a fact that 'Civil and Criminal Law' are both mixed up in one and the same paper. There are two separate papers in Civil Law and two in Criminal.

"(c) Questions may be set which are based on the rulings of the Chief Court and High Courts, but Government does not undertake to provide books for the use of candidates preparing for the examination. As a matter of fact, however, a large proportion of them have access to the libraries of district offices and courts, where law reports are available."

The Hon'ble Khan Sahib Mirza Muhammad Ikram Ullah Khan asked :—

Births and
deaths at
Lahore and
Amritsar.

22. "Will the Government be pleased to lay on the Council table a statement of births and deaths in the municipal towns of Lahore and Amritsar, amongst the Hindus including Sikhs and the Muhammadans, respectively, in each calendar month of the year 1917, showing ratio to the population of these communities, as also the deaths of infants under one year separately?"

The Hon'ble Colonel Hendley replied :—

"Two statements* giving the figures asked for by the Hon'ble Member have been laid on the table."

*See Appendices VII and VIII.

The Hon'ble Pandit Jawahar Lal Bhargava asked :—

Statistics of
imported
foreign liquor.

23. "In continuation of Question No. 21 asked by me at the meeting of this Council held on the 24th April 1917, and that of the Question No. 24 asked at the meeting held on the 21st December 1917, will the Government be pleased to lay on the table the statement required in the questions referred to above, in respect of foreign liquor of all qualities and brands, viz., imported liquor, as well as liquors made in India, but classed and taxed as foreign?"

The Hon'ble Mr. Maynard replied :—

"The figures† asked for are laid on the table."

†Not printed.

The Hon'ble Pandit Jawahar Lal Bhargava asked :—

Water works
at Rewari.

24. "Will the Government be pleased to state—

(a) how far the construction of the water-works at Rewari has advanced, and the reasons, if any, for the delay in its completion;

(b) and when its completion may be expected?"

The Hon'ble Mr. Lumsden replied :—

"(a) The distribution of pipes has been carried out, the mains have been laid, engine pumps erected, quarters, reservoirs, entablature completed and steel tanks are being erected. The wells have been completed and tubes are being sunk in them while the trenches for suction pipes are in hand. The delay was due to difficulties in procuring labour and materials on account of the war and to the heavy floods of September last, the effects of which are still hampering the work."

"(b) The work is expected to be completed in July next."

The Hon'ble Pandit Jawahar Lal Bhargava asked :—

Government
grants to
municipalities
for sanitation
and education.

25. "Will the Government be pleased to state the principles by which its grants to municipalities for purposes of sanitation and education are regulated?"

[Mr. Lumsden ; Pandit Jawahar Lal Bhargava ; Mr. Craik.]

26. "Will the Government be pleased to state for each of the last five years, the amount of its grants for purposes of sanitation and education to the municipalities in the Ambala Division, giving details for each municipality?"

Sanitation and education grants in the Ambala Division.

The Hon'ble Mr. Lumsden replied :—

"In the case of sanitation, grants-in-aid are distributed to municipalities through the agency of the Sanitary Board to which an annual allotment is made for the purpose. While Government did not lay down any definite conditions fettering the discretion of that body, it recommended that grants made to district boards and municipalities should not ordinarily exceed half the cost of the works for which they are given and that this standard should only be departed from in exceptional cases such as sites of fairs or places on through routes where the work might be required in the interests of the general public and not merely or chiefly for the benefit of the local residents.

"As regards education the general principles are as follows :—

"Grants to municipalities for Anglo-Vernacular education date from 1886 when schools were first made over to the charge of municipalities. The amount contributed was reduced when the municipal high schools were again provincialised, and has gradually decreased till for the last three years it has stood at Rs. 5,000.

"Grants for vernacular education are made to municipalities on the same system as they are made to district boards, namely, a fixed recurring allotment for each new school opened, all the new grants of each year being merged the next year into the basic recurring grant for future years, which is only reducible if any of the schools towards which grants were given are closed.

"Building grants have occasionally been made to municipalities equal in amount to the sum contributed by the municipality for the particular project.

*See Appendices IX and X.

"Statements²⁴ giving the information desired are laid on the table."

The Hon'ble Pandit Jawahar Lal Bhargava asked :—

27. "(a) Has the Revenue Judgment, reported as No. 8, Punjab Record, 1917, come to the notice of the Government ?

Attachment agricultural land in execution of decrees.

"(b) In view of the exposition of the law contained therein, whereby executing Courts have been held to be incompetent to take any further action than a bare and useless attachment of the lands belonging to judgment-debtors who are members of agricultural tribes, and in view of the other manifold difficulties in the way of the decree-holders in the realisation of their decrees, will the Government consider the advisability of taking early and effective steps for making such lands available for the satisfaction of decrees."

The Hon'ble Mr. Craik replied :—

"(a) The answer is in the affirmative.

"(b) Government is not prepared to say at present whether any action is required, but enquiry is being made as to how far the ruling referred to involves a departure from existing practice in regard to the temporary alienation of such land in execution of decrees.

"I may add that since I received the question I have learnt that the Chief Court is addressing Government on the subject, but I have not yet received their letter."

[Rai Bahadur Bakhshi Sohan Lal; Mr. Maynard; Colonel Hendley.]

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

28. "(a) Is it a fact that the paragraphs 181 and 182 of the Punjab Excise Manual, 1916, enjoin on the Police the advisability of not referring cases to adjudication by Honorary Magistrates?"

"(b) If so, will Government be pleased to modify or expunge the two paragraphs?"

The Hon'ble Mr. Maynard replied :—

"The paragraphs cited above are as follows :—

181. Offences against the Excise and Opium laws include, as a rule, no act of violence, and constitute no danger to the public peace. For these reasons the criminal courts are apt to treat them as unimportant, to discount the evidence of Excise officials, to dismiss cases without good reason, and, when they do convict, to give inadequate sentences. The result of this tendency is to paralyse the activities of the Excise Department and to bring the law on the subject into general contempt.

182. It is desirable that the magistrates trying such cases should have some technical knowledge of the subject, and some sympathy with the aims of excise policy. Honorary Magistrates, as a rule, have neither of these qualifications, and it is most undesirable from the point of view of excise administration that excise cases should be tried by Honorary Magistrates.

"For the reasons given in these paragraphs no change of policy appears desirable."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal, asked :—

29. "(a) Has the attention of the Government been drawn to the complaints in certain districts of the Punjab recurring with the advent of the hot weather that no drinking water is to be had except at the distance of some miles from the villages.

"(b) If so, has the Punjab Sanitary Board considered the question and have any wells been sunk or any other means of water-supply adopted at the public expense during the last five years?"

"(c) If the reply to (b) be in the negative will Government be pleased to direct that a beginning be made in supplying healthy drinking water to such areas with the surplus funds from the Sanitary grants?"

The Hon'ble Colonel Hendley replied :—

"(a) The attention of Government by way of complaints has not been specifically drawn to the scarcity of drinking water in particular villages.

"(b) and (c).—The Sanitary Board has however been approached from time to time on representations made by the local authorities concerned for grants-in-aid in connection with rural water-supply schemes and has allotted the whole of the cost or part of it according as to whether the supply was required in the interests of the general public or only for the benefit of local residents.

"In this way during the last five years the sum of Rs. 32,275 has been given for the Nurpur Shahan fair area water-supply and Rs. 1,770 for wells and tanks for drinking water and 14 villages in the Rawalpindi District, Rs. 5,000 for the Gulla Shah fair area supply in the Sialkot District, Rs. 7,100 for the sinking of wells in four villages in the Gujrat District, Rs. 23,000 for a supply at Tandlianwala and Rs. 7,520 for the improvement of 48 village wells in the Lyallpur District, and Rs. 2,767 for a piped supply at Chitti Dil and for a reservoir at the 15th mile on the Sukesar Road in the Shahpur District and Rs. 2,709 for the sinking of wells in the Phalgu fair area in the Karnal District.

Trial of excise cases by Honorary Magistrates.

Difficulties in obtaining drinking water in villages in the hot weather.

[Colonel Hendley; Rai Bahadur Bakhshi Sohan Lal; Mr. Lumsden.]

"I have not the necessary information available for particulars as to the amounts spent on providing facilities for obtaining easy access to drinking water supplies given by district boards. It is known, however, that in the Gurgaon and Ambala Districts these bodies have sunk tubes in wells at villages in which the water-supply has become deficient owing to the sinking of the subsoil level, and also at Ambala and Amritsar they have made new wells. There must, however, be many instances in other districts in which assistance of a similar nature has been rendered."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

30. "(a) Owing to the large infantile mortality in certain areas in this province, has Government circularised the local bodies drawing their attention to the importance of the employment of competent midwives and lady health visitors at the public expense?"

Employment of midwives and lady health visitors by local bodies.

"(b) If so, will Government be pleased to give the number of such employees, together with the names of the localities in which they are employed?"

The Hon'ble Mr. Lumsden replied :—

"(a) A scheme for the training of indigenous midwives has been recently formulated whereby arrangements for courses of instructions at various centres will be made partly at the expense of Government and partly from contributions made by local bodies. Commissioners have been asked to explain the details of the scheme to all local bodies within their respective jurisdictions and to ascertain how far each body is prepared to undertake financial responsibility in connection with the carrying out of the proposals. The replies have not yet been received. The courses of training will be in accordance with the regulations of the Central Midwives Board for the Punjab, a body which, as the Hon'ble Member is probably aware, was constituted last year with the express object of reducing infantile mortality by ensuring the competency of midwives.

"As regards the employment of female health visitors I may mention that an enquiry was made a few months ago from various municipalities and Civil Surgeons in connection with a reference on the subject from the Government of India. After a consideration of the replies received this Government, while not overlooking the obvious practical difficulties, expressed the view that in the case of the larger towns at least the attention of local bodies might be drawn to the advisability of employing female health visitors, whose functions would be purely advisory, while it was also urged that in all girls' schools instruction in domestic hygiene should form an important part of the curriculum. A further communication from the Government of India is awaited.

"(b) Government has no information as to the number of midwives employed by local bodies. Lahore is the only municipality which enjoys the services of lady health visitors, but the municipal committee of Simla have recently appointed a European female sanitary inspector who is a fully qualified midwife."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

31. "(a) Will Government be pleased to inform this Council whether the principle of election has yet been introduced in place of nomination to the district boards of Rawalpindi and Multan Divisions?"

Election in district boards of the Rawalpindi and Multan Divisions.

"(b) If not, will Government be pleased to say when the principle is likely to be introduced?"

[Mr. Lumsden ; Rai Bahadur Bakhsbi Sohan Lal.]

The Hon'ble Mr. Lumsden replied :—

“(a) The elective system already obtains in the district of Gujrat, and after local enquiry it has been recently decided to introduce the system experimentally in the Lyallpur District. Detailed enquiries have been made with a view to ascertain whether any further advance towards the replacement of nomination by election could be undertaken in the remaining districts of the divisions mentioned, but the results show that there is still strong local opposition to any such action. For instance, in the Rawalpindi District 75 of the leading men were separately consulted on the point and every single individual returned a negative answer.

“(b) While Government has repeatedly expressed its readiness to introduce the system where any genuine and general desire to that effect exists, it is not prepared to force the principle of election upon a reluctant community. It is thus not in a position to say when further extensions may be anticipated. In this connection I might refer the Hon'ble Member to the following passage which occurs in the latest Review on the Reports on the Administration and Accounts of district boards on this province :—

“It would, in the Lieutenant-Governor's opinion, be idle to disguise the fact that the system of election by votes is alien to the rural mind, and that the attempts to excite interest in rural elections have usually ended in failure. By this it is not meant to convey that the rural masses are incapable of selecting some one to represent them even in matters of purely local concern. The Lieutenant-Governor believes that in the mass they often show themselves capable of selecting the right men, but this is done in India—as it was done in the earlier stages of local self-government in Europe—as the result of popular discussion and by popular acclamation rather than by the foreign and novel machinery of the voting register and the ballot box.”

The Hon'ble Rai Bahadur Bakhsbi Sohan Lal asked :—

Local Self-Government Scheme,

32. “Will Government be pleased to state when the extension of the scope of local self-Government in the Punjab, which it was stated in 1916 was under the consideration of the Government, is likely to be introduced?”

The Hon'ble Mr. Lumsden replied :—

“In reply to a question asked by the Hon'ble Rai Bahadur Hari Chand at a meeting of this Council, held on 25th September 1915, it was explained that most of the principles enunciated in the Resolution of the Government of India on self-government had already been introduced so far as they were suited to the special conditions of this province. Further examination of the resolution has confirmed the view thus expressed and it is not clear to what extension the Hon'ble Member refers in his question. The answer to his previous question shows that Government cannot initiate changes with a complete disregard of local feeling, while the reply given to-day to the Hon'ble Rai Bahadur Ram Saran Das will satisfy him that Government has not failed to afford local bodies full opportunity of further development whether by the introduction of an elective system or by a reduction of the official element. As the Hon'ble Member is aware the scheme recently introduced whereby consolidated grants are made to district boards represents an effort to introduce greater elasticity into district board finances, and, if possible, further relaxation of budget restrictions will be allowed. Government is always prepared to consider any reasonable proposals for increasing the independence and responsibility of local bodies.”

[Rai Bahadur Bakhshi Sohan Lal ; Mr. Lumsden ; Mr. Townsend.]

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

33. " In view of the unprecedented rise in the price of food stuffs and the importance of minimising popular misgivings at the present juncture have Government given any relief to the indigent section of the population or circularised the local bodies on question of opening relief grain shops ? "

The Hon'ble Mr. Lumsden replied :—

" The attention of local bodies has been drawn to the question of opening cheap grain shops for the relief of the poorer classes and a declaration has been issued under section 20 (2) (p) of the Punjab District Boards Act, 1883, enabling expenditure in connection with the opening of such shops to be treated as a legitimate charge on the funds of district boards. It is understood that shops have been opened in various centres, and that the Committee of the Punjab Imperial Indian Relief Fund have already made several grants to local bodies to assist them in this work.

" I might point out, however, that the use of the word 'unprecedented' does not appear to be warranted by facts. For instance, in 1896 the prices of food grains were generally higher than they are at present and wheat is considerably below the rates marked in February 1915."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

34. " (a) Will Government be pleased to lay on the Council table a statement showing the latest official report as to the prospects of the standing rabi crops on the *barani* lands in Nurpur Tahsil of Kangra District ? "

" (b) What was the average condition of the crops harvested during the last 3 years in the *barani* lands of the same tahsil ? "

The Hon'ble Mr. Townsend replied :—

" (a) The Deputy Commissioner reported on February 28th that the present rabi crop on unirrigated land in Nurpur Tahsil is not in a good condition, and requires rain.

" (b) Rabi 1915, so far as unirrigated land in that tahsil was concerned, was an average crop.

Kharif 1915 was fair to good.

Rabi 1916 was much below average.

Kharif 1916 was fair to good.

Rabi 1917 was below average.

Kharif 1917 was fair to good."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

35. " (a) Will Government be pleased to inform this Council what is the condition of the standing rabi crop throughout the province, particularly of the unirrigated lands ? "

" (b) Will Government also be pleased to state what steps they have taken to conserve the food crops and whether any restrictions have been placed on the export of food-stuffs to foreign lands ? "

The Hon'ble Mr. Townsend replied :—

" (a) The present irrigated crop throughout the province is generally very fair to good.

Opening of relief grain shops.

Rabi crops on barani lands in Nurpur Tahsil, Kangra District.

Rabi crops on barani lands in the province.

Conservation of food crops and restrictions or export of food stuffs.

[Mr. Townsend ; Rai Bahadur Bakhshi Sohan Lal ; Mr. Craik ;
Mr. Thompson.]

"The unirrigated crop needs rain generally : the need is greater in the Central Punjab than elsewhere.

"More detailed information on the subject will be found in the weather and crop report which is published weekly in the *Punjab Gazette*, and to which I recommend that the Hon'ble Member refer should he desire information on the subject in future.

"(b) For some months no wheat has been purchased in this province for export as wheat, though a small amount is being purchased for export as flour. Most of this goes to troops in Mesopotamia and Palestine. It is also at present forbidden to remove wheat by rail from this province to the United Provinces.

"As to what, if any, action may be desirable in the future to prevent depletion of stocks it is impossible to decide till after the present crop has matured. But the course of prices is being carefully watched by Government."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

Promotion
of Forest
Rangers.

36. "(a) With reference to the reply of the Hon'ble Mr. Craik to my question No. 1 (a) and (b) in the meeting of this Council, held on the 6th February 1918, will the Government be pleased to state whether it has applied or intends to apply for the necessary sanction of the Government of India to place copies of the orders referred to on this Council Table ?

"(b) If the answer to the above be in the negative, will Government be pleased to inform this Council the date when those orders were passed by Government of India and the first appointment made in pursuance of those orders ?"

The Hon'ble Mr. Craik replied :—

"The information now desired by the Hon'ble Member can, I think, be given without reference to the Government of India. The present system of promotion to the Provincial Forest Service, whereby at least half the vacancies go to men directly appointed, was devised by the Local Government in 1903, acting on certain suggestions made by the Government of India. It may be taken to have come into force in 1903, as the rules, prescribing the conditions of direct appointment were published on 30th April of that year. The first vacancy after that date occurred on 1st July 1909. As regards the probationary period of 2 years' service as Extra Assistant Conservator required of Rangers who are candidates for the Provincial Service, the Government of India in 1906 left the Local Government discretion to prescribe the conditions under which a Ranger may be appointed to the Provincial Service, and the rule in question was framed by the Local Government."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

Complaints
against Nawab
Ata Mubam
and Khan of
Kala Bagh.

37. "With reference to the Hon'ble Mr. Thompson's reply to my question No. 9 in the meeting of this Council, held on 6th February 1918, will Government be pleased to state whether the enquiry made by the Commissioner of Rawalpindi has been concluded, and, if so, what orders have been passed by him in redress of the grievances of the people of Kala Bagh ?"

The Hon'ble Mr. Thompson replied :—

"No report has yet been received."

[Mr. Lumsden ; Rai Bahadur Ram Saran Das.]

THE SIMLA HOUSE ACT AMENDMENT BILL.

The Hon'ble Mr. Lumsden :—

"YOUR HONOUR,—I beg to move for leave to introduce the Bill to amend the Simla House Act, 1918. It will be remembered that in that Bill as originally framed we only included houses with a minimum rent limit of Rs. 300. In introducing that Bill I explained that in clause 2 the figure of Rs. 300 had been entered as a tentative limit below which we had not considered it necessary to go. This limit was fixed in terms of the annual value, that being a definite unit under the Municipal Act, but at the same time I explained that we had no preference for that particular limit, and that if the Hon'ble Members considered that it should be raised or lowered, we were quite ready to consider any suggestion to that effect. During the discussion an amendment was moved by, I think, the Hon'ble Rai Bahadur Ram Saran Das to the effect that this limit of Rs. 300 should be eliminated. In accepting this amendment, I said that I was quite prepared to agree to the proposal and delete the words, and I stated that I understood that the object of the change was to enable the less highly-paid clerks of Government to share in the benefits of the Act. But our intentions in this respect have been frustrated by the decision of the House Accommodation Committee that the definition of 'house' as described in the Act did not include quarters and the like occupied by clerks. Although the point is perhaps arguable, there is I think sufficient ground for accepting that decision as legally correct. Consequently, the present amendment has been brought forward in order that this decision of the House Accommodation Committee should not deprive the low paid clerks of the benefits of the Act. The definition of 'house' as it now runs will, I think, cover all such cases. It is based partly on the Bombay Act and has been framed after consultation of Acts in Great Britain. The object of the Bill, I think, is one which will have the support of all the Members. The passing of the Bill will certainly not be welcomed by the House Accommodation Committee, but we need not consider their standpoint too seriously.

"I do not think the house-owners can raise any objection. They have only themselves to thank for the introduction of this Bill. There is no particular reason why we should discriminate and differentiate between house-owners who let their houses as a whole and those who divide them into rooms tenements and quarters. We have received several memorials on the subject from Government clerks and others in Simla and these go to show that the landlords have actually greatly enhanced the rents as soon as they learnt of the decision of the House Accommodation Committee that the Act did not apply to such quarters.

"With these few words I beg leave to move to introduce the Bill."

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

The Hon'ble Mr. Lumsden :—

"YOUR HONOUR,—I beg to move that the Bill be now taken into consideration. The Bill, as I have pointed out, is of a very simple nature. It only affects the scope of the Act and does not affect its principle. It is only restoring the Bill to the form which we had intended that it should take. I beg that the Bill be taken into consideration to-day, because the season is advancing, and unless this action is taken it may be too late to afford relief this year to the many clerks who will be affected by these provisions."

The Hon'ble R. B. Ram Saran Das :—

"YOUR HONOUR,—A few weeks ago I came to know that the Simla House Act which was passed by this Council recently was not held applicable to houses and parts of houses let as separate dwellings to clerks and subordi-

nate employees of the Government. This Council will remember that it was only for the benefit of low paid servants of the Crown that I moved an amendment in the Act while it was being considered. This amendment was readily accepted by the Government, and yet we find that the Act is not applicable to houses usually occupied by such Government servants. I knew that was not the intention of the legislature. I understand some time back a representation was sent on the subject to the Government by the clerks of the Government of India Secretariat. These facts induced me to put questions on the subject, and I am very glad that the Government have adopted the suggestions made by me in these questions. I welcome the amendment now made in the Act, and the motion of the Hon'ble Mr. Lumsden has my entire support."

The motion that the Bill be taken into consideration was put and agreed to.

The Hon'ble Mr. Lumsden :—

"YOUR HONOUR,—I beg to move that the Bill be now passed. I do not think I need add anything to what has already been said. The Bill is of an extremely simple nature, and its object is to remove a grievance which we certainly never intended should exist."

The motion was put and agreed to.

REVISED FINANCIAL STATEMENT FOR 1918-19.

The Hon'ble Mr. Lumsden—

"Your Honour,—I beg to introduce the Revised Financial Statement* showing the actuals for 1916-17, the budget for the year 1917-18 and the revised for that year, and also the budget for the following year 1918-19. I would follow the last year's precedent, and in view of the very lengthy explanations which are given in the Financial Memorandum I would curtail my remarks at this stage as much as possible. Could I be certain that all the Hon'ble Members have done me the honour of studying the Financial Memorandum, my task at the present moment would be an extremely light one, because I should feel certain that they had acquired a very complete view of the financial work of the year. But, Sir, I hardly anticipate that all the members have had the courage to tackle this formidable and somewhat uninviting document, and even at the risk of some repetition I would run very briefly through the more salient features of the year's administration so far as the Financial Branch is concerned.

"Before I take up the Financial Statement I might perhaps be permitted to say a few words in connection with the question put by the Hon'ble Rai Bahadur Ram Saran Das in respect of the changed procedure in the Imperial Council. I am not sure whether the Hon'ble Member had not in his mind some idea that the non-official members of the Provincial Council are not so well off as the members of the Imperial Council in the matter of opportunities.

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for discussing financial affairs. I think it is perhaps as well to explain the position in some detail. The financial work of the Imperial Council begins with the speech of the Hon'ble Finance Member. Subsequently I am speaking of the old procedure—there is a discussion as regards taxation, loans and grants to Local Governments. That does not concern the Local Council, because we have no power of taxation, no power of raising loans and certainly no wish to make grants to Local Governments. This is followed by a meeting at which members in charge of the various heads introduce their heads, and resolutions are then moved by any non-official members who wish to do so. The presentation of the budget follows and the financial season is brought to conclusion by the budget discussion. In this Province the interest in financial matters begins very much earlier. In the Imperial Council non-official members know practically nothing of the financial position until the Hon'ble Finance Member has made his speech. On the other hand, in this province certain non-official members are associated in the work of the preparation of the budget as early as the month of December, when by a concession not enjoyed by any other province, as far as I know, the Members of the Finance Committee are afforded an opportunity of seeing the budget before even the unallotted expenditure has been included. This is followed by a second meeting of the Finance Committee in January, when the whole schedule of unallotted expenditure and the various heads of the budget are placed before this body which examines all the items. Whereas in the Imperial Council the non-official members know nothing about the budget till the 1st of March, we associate them even from the month of December. Then about a week before this sitting the Financial Secretary forwards to each non-official member a copy of the Financial memorandum which contains a detailed account of the provincial finances and of the work done in the Finance Department. This Memorandum roughly corresponds more or less to the speech delivered by the Hon'ble Finance Member in the Imperial Council. This speech or précis is an extra item which does not exist in the Imperial Council programme. Then these few remarks of mine are followed by the introduction of the different heads by the various Members-in-charge. There is this difference between the procedure here and that in the Imperial Council that there is no gap between the remarks made by the Financial Secretary and the introduction of the various heads by Heads of Departments. But the difference is more nominal than otherwise, because as I have said the circulation of the Financial Memorandum roughly corresponds to the delivery of speech by the Hon'ble Finance Member in the Imperial Council, so that the non-official members in the Council are not really at any disadvantage in this respect as compared with the members of the Imperial Council. As I have said they get whatever information they require a week or so before the different heads are introduced. Then there is a full opportunity in this province as in the Imperial Council to introduce resolutions, and one such resolution appears on the Agenda to-day. As regards the presentation of the budget, we may or may not have a special meeting for that. If important alterations appear in the Revised Financial Statement then we have a special meeting at which the budget is presented and the Financial Secretary explains the changes that have taken place. If no changes of any importance are made and the revised Financial Statement remains undisturbed, that meeting is omitted, because there is no object in having a meeting merely to introduce what has already been introduced, and all that the Financial Secretary need do, at the subsequent meeting when the budget discussion takes place, is to make a formal presentation of the budget. It will be seen, I think, that instead of the non-official members of this Council not having as many facilities for discussion of financial affairs as the members of the Imperial Council the case is obviously just the converse.

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"As regards the change in the Imperial Council itself, I do not know that it has been attended with any very great success. As I explained in my answer to the question on the subject this Government has no power to alter the procedure without the sanction of the Government of India, and difficulties may arise in respect of dates as financial work follows a very rigid programme. However, in case members should desire a corresponding change, we are, as I have already said, quite prepared to consider the possibility of doing so. I may, however, explain that apparently the main object in the change so far as the Imperial Council is concerned is to facilitate the expression of views as regards taxation, loans and the grants to Local Governments. That, of course, is an object which does not concern us, because, as I have already said, we have no power of taxation, or raising loans, and we have no wish to give grants to Local Governments. There is of course this advantage possibly that if the meeting of the budget discussion were abolished and in its place a discussion on the revised Financial Statement substituted, possibly more attention would be paid to the items of the Financial Statement than is now the case. In His Excellency's opening speech in the Imperial Council he explained that they had not found the budget discussion very profitable, and one Hon'ble Member went so far as to describe the discussion as the annual hare hunt, but I do not think in this province we find that budget discussion, whatever its merits as a financial discussion may be, altogether without profit. It is generally I think of considerable interest. If the procedure is changed, we shall have to insist that the discussion should be confined, as required by the rules, to observations on the statement as a whole or on any questions of principle involved therein. I do not think we could then have a discussion which would cover so much ground as in preceding years: the field would certainly be more restricted. This is a short explanation of the position, Sir, and I trust the non-official members will express their views at the time of the budget discussion as to whether they would like this change to be introduced.

"To turn to the Financial Statement. It will be seen that we expected to begin the year 1917-18 with a balance of 103 lakhs. Our opening balance has actually risen to Rs. 1,22,75,000, that is to say our revised is nearly 20 lakhs up. This is not a result for which I can congratulate myself, from a personal point of view, but I have already given the reasons explaining this increase. It is mainly due to an excessive modesty on the part of the Irrigation Department coupled with exceptional and unexpected receipts under the Forests head possibly due to the war. Further, we find that some of the spending departments have been rather over-optimistic as regards their powers of disposing of the allotments given to them. Owing to the difficulty of obtaining supplies and in consequence of the railway restrictions which handicapped the receipt of necessary materials they have not been able to spend the full amounts. However the improvement is very satisfactory apart from the purely budget point of view, and the improvement has been maintained during the year with the result that we expect to close the year with a balance about 84 lakhs better than we anticipated, or in other words in addition to the extra 20 lakhs received in 1916-17 we expect a gain of about 67 lakhs on the present year's working. It may be thought that these figures indicate that the Financial Secretary has not been able to shake off the effects of the double dose of caution which he was alleged to suffer from last year. As a matter of fact I might simply shelter myself behind the words of the Hon'ble Finance Member in the Imperial Council who said 'we must go cautiously, and when the results turn out better than we anticipated it is a matter for congratulation and not for criticism.' However, if I merely referred to that dictum,

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it is possible that the Hon'ble Members might consider that I had by implication accepted the indictment that I had been suffering from the double dose of caution, and as this would give a totally wrong impression I must offer a few words of explanation. I should like to point out in the first place that roughly 13 lakhs of the difference is due to the grants from the Government of India in connection with the wheat profits and the recurring grants for the improvement of pay and training of teachers. It was impossible to spend the whole of these grants during the year and this surplus could not have been provided for in any budget. Then it will be observed that the greater part of the difference is derived from the expenditure side. Under various heads, such as Land Revenue, Courts of Law, Police, Education, Agriculture, Public Works, and so on, the expenditure has been considerably less than was anticipated. Now I do not think the Finance Department can accept any responsibility for that. The various departments submit their probable requirements to the Finance Department, and the Finance Department is never able to give them as much as they expect. Consequently if they fail to spend even the money that they get, I hardly think the Financial Department can be held responsible. I have explained in the Memorandum some of the reasons which have made it impossible for the spending departments to reach their maximum allotments. There is no doubt that the war has, especially in such cases as Public Works, had a very serious effect on the supply of materials and labour, and this department has been very seriously handicapped in its efforts to work up to its programme. There are, it is true, on the expenditure side two items for which the Financial Department is directly responsible. These are the provision for Grain Compensation Allowance, and the provision for Famine Relief. Now I do not think that the provision made last year in connection with these items can be regarded as suffering from any overdose of caution. The Hon'ble Members will remember the position that existed when I had the honour of addressing the Council this time last year. The prospects as regards the Rabi harvests were then by no means bright. We had received gloomy reports from the districts as to the amount of suspensions which were likely to be required and the prices of food-grains were already sufficiently high. It might easily have happened that grain compensation would have had to be granted during the whole year. And, as a matter of fact, we have had to introduce the allowance from the 1st of November. Now the total provision made on account of grain compensation was to cover a period of only 4½ months at the higher rate; and considering the position at the time the budget was framed, I do not think anybody can say that that provision represents any unreasonable degree of caution. I am perfectly certain that any Insurance Company would in similar circumstances have provided for a very much larger amount than we did. As regards Famine Relief, we only provided Rs. 1,85,000. The expansion of irrigation has largely obviated the risks of human famine so far as this province is concerned, but any serious failure of rains makes it necessary to grant fodder concessions. Only the year before we spent no less than 12½ lakhs on fodder concessions of which Rs. 5,56,000 represented the Provincial share. Now with this history immediately behind us, a present failure of the winter rains and no possibility of foretelling what the monsoon might bring forth, I do not consider that Rs. 1,85,000 can possibly be considered an excessive provision under the Famine Relief head. I claim, therefore, that so far as the expenditure side is concerned, the Financial Department showed great boldness in estimating under the heads for which it was responsible. As regards the spending departments, the Financial Department, as I have already said, can accept no liability.

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"On the revenue side, we have considerable surpluses also, and you will no doubt say that if the Financial Secretary did not suffer from an excess of caution as regards expenditure, he did at least suffer from some complaint of the kind in the case of receipts. Well, I propose very briefly to explain the position as regards income. Apart from the increased amount gained by transfer from the Imperial to the Provincial, part of which was due to unexpected windfall of 11·7 lakhs on account of wheat profits, and the Rs. 80,000 which has just been given—Rs. 40,000 to assist in improving the sanitation of Amritsar and Rs. 40,000 to assist in carrying out the anti-plague measures in Rawalpindi, where the epidemic this year has been very serious,—the main increases will be found under the following heads. Under XXV—Miscellaneous, it is 1 lakh. Well as regards Miscellaneous I may explain that that head includes two items of which it is practically impossible to make any accurate calculation, namely sales of lands and houses and unclaimed deposits. No one can foretell what lands or houses it will be found desirable to sell or the prices they will fetch, nor can it be said how many people will forget to claim their deposits. These items vary greatly from year to year. All that one can do is to strike a rough average though past actuals are not a safe guide and this is what we did. I do not think it can be said that any undue caution was exercised under this head.

"The increase under the head XXI-A—Agriculture is purely a formal matter. The main increase is due to the sale of seed and is due to a grant made for the purchase of pure wheat seed for re-sale.

"Then as regards XVI-B—Law and Justice—Jails. There has been a considerable increase under this head over the budget estimates. This is almost entirely due to the fact that the Military Department were rather slow in paying for certain supplies which the Jail Department had delivered to them last year with the result that instead of the money being credited in last year's account it was received only at the commencement of the present financial year. Our actuals under Jails in the previous year were consequently rather below our expectations, and our receipts during the present year have similarly exceeded the budget estimate. In this case also I hardly think that the Finance Department can be said to have suffered from the overdose of caution. It will be remembered, of course, that our budget is framed long before we know what the actuals of the current year will be.

"Then we come to the head Forests, where there is an increase, which I am sure will be very welcome to every one, as it represents the genuine development of a very important head. In connection with these figures I would merely say that the rise was as surprising to the Head of the Department as it was to us. The Forest budgets submitted during the past years had been extremely accurate, and after considering the budget forwarded last year for the present year we accepted the Conservator's figures *in toto*, that is to say the Conservator himself budgeted for Rs. 15,74,000. So that when he actually came up with a revised figure of 19 lakhs 74 thousands, or 4 lakhs above his original estimate, it is clear that the great increase was a complete surprise.

"Then as regards Income-tax. I am prepared to admit that we might have been a little bolder in anticipations. We made a very considerable increase on the budget of the previous year, and had not seen the actuals, but I think that in respect of this head we might have adopted somewhat more generous estimates, although it is only during the last few months that this head has

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shown marked improvement. The actuals for the first few months did not in any way indicate that the budget estimate would be so greatly exceeded. In the revised we have raised the figure under this head from Rs. 12,90,000 to Rs. 15,22,000.

"As regards Excise. The figures here are also rather surprising. They had been wonderfully steady for the past three or four years, and the money here again has come with a great rush. As a matter of fact when the Hon'ble Member, who is in charge of that department, submitted his Revised, he actually suggested a small reduction on the budget estimate. The actuals, however, show that there has been a great increase under the various minor heads. When there is plenty of money in the country, it seems certain that a part of it will help to swell the income under this head.

"Then there is a considerable increase under the head I—Land Revenue. Now the history of the minor head Land Revenue is of some interest, and I propose briefly to describe how the budget developed. At the meeting last year at which the Financial Statement was presented we had to intimate a reduction under the head Land Revenue of 8 lakhs, of which 4 lakhs were Provincial. This reduction was made in consequence of the extremely gloomy reports of the District Officers in regard to the prospects of the rabi harvest. The District Officers suggested in the aggregate a reduction of something approaching 16 lakhs. However the Financial Department with its usual boldness decided that a reduction of 8 lakhs was sufficient, and, as a matter of fact, it turned out when the actuals of rabi were obtained that they were almost exactly 8 lakhs higher than we expected, showing that our original estimate was correct. Then Hon'ble Members will remember that the monsoon rains, which were most acceptable in the beginning, continued rather too long, and the result of the heavy and protracted rainfall was that we had to make a reduction of 3 lakhs in the revised on account of the kharif harvest. The Government of India with the December actuals before them were not satisfied with the reduction proposed, and made a further reduction of 5 lakhs. Meanwhile we had been acquiring further information on the subject, and we eventually reported in the second edition that we thought that we could put the budget up by $7\frac{1}{2}$ lakhs, i.e., that we could restore the 5 lakhs cut out by the Government of India and raise the figure by another $2\frac{1}{2}$ lakhs. The Accountant-General expressed grave doubts as to the correctness of this view, pointing out that if this were done we would require to collect in February $10\frac{1}{2}$ lakhs more than had been collected in the preceding February. When we made our calculation, we had not seen the actuals of January which were disappointing, but we had faith in our information and we stuck to our figures. We have just received the February actuals which show an increase of $10\frac{1}{2}$ lakhs over those of the corresponding month last year. So that we are within a quarter of a lakh of our figure, and provided the March figures give us Rs. 25,000 more than those of last year, our estimate will be fully justified. I have laid some emphasis on these facts simply to show that throughout the year the Financial Department acted with a spirit of boldness rather than with a spirit of undue caution, and the surprisingly good results have been obtained in spite of our efforts to discount them. With all these facts before us I think even the Financial Branch may congratulate itself on the very excellent figures exhibited by the year's working.

"I should now like to say a few words about the budget. It will be observed that the budget has again been framed on very optimistic lines. The figures are perhaps somewhat startling. We have estimated for an income of $5\frac{1}{2}$ crores. That may not appear to be very much above the revised figures,

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but it must be remembered the very excellent figures we hope to reach during the current year include 10½ lakhs of extra transfers from Imperial to Provincial.

"As regards expenditure, we have again budgeted practically up to our income, and we are providing for an expenditure of Rs. 5,46,61,000. As the members are aware we are not allowed to budget for a deficit and we have gone as near the margin as possible. The difference between the estimated income and the estimated expenditure is only Rs. 3,40,000 and this figure includes the additional 2 lakhs referred to in the note appended to the revised Financial Statement. This expenditure is no less than 56½ lakhs above that which was budgeted for in the pre-war year 1913-14, and I think we may congratulate ourselves that after 3½ years of world-wide war we are able to introduce a statement involving an expenditure over 56½ lakhs greater than we were able to spend before the war began. We have been able to make an allotment of 44 lakhs for new expenditure—a figure 14 lakhs above that provided for this year, and some 30 lakhs over the corresponding figure for 1916-17. We include in this 44 lakhs no less than 11 lakhs of recurring expenditure—a burden which we are glad to be able to assume because it enables us to introduce various schemes of great desirability which had been awaiting a more satisfactory financial position. A lump sum of 5 lakhs has been included from the wheat profits for expenditure on agricultural improvements, and there are many other useful and deserving projects which find a place on the list. I do not think I need go into the details of the budget. I—Land Revenue on the receipt side appears at first sight to show a decrease, but as a matter of fact that is not the case. The Irrigation Branch put in a claim for 65 lakhs on behalf of indirect receipts against 61 lakhs in the present year. So far provision has been made in the budget according to the demands of the Irrigation Department. The Irrigation Department, while extremely modest as to its proper estimates, shows no backwardness in appropriating to itself a very large share of our land revenue head, and so far the enquiries made as to the principles on which these appropriations were made have not elicited any very satisfactory reply.

"However it is merely a *pro formâ* matter which does not affect the figures.

"Then as regards Excise and Income-tax. We have simply taken as a basis the revised estimates of the present year and budgeted for further normal expansion. It is not improbable that under Income-tax we have hardly pitched the figure sufficiently high as we are extending the special assessing agency which has quite justified its appointment.

"On account of the great expansion in the activities of the Forest Department increased provision has been made on the expenditure side as well as on the income side.

"In the case of Agriculture large increases have been provided for in the budget both on the receipt and expenditure side. I might explain that this is largely due to a special allotment for the purchase of pure seed and to the receipts from the sale of this seed, a matter regarding which I find that a resolution is to be moved.

"The Irrigation Department has come up with an increase of 4½ lakhs under Direct receipts—Public Works. This is very satisfactory. The head is divided and consequently the estimate really represents an improvement of 9½ lakhs.

"Turning to the expenditure side. I have already referred to the Forests and Land Revenue heads. Provision has been made in the budget

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under the latter head for various schemes which had been hanging on till the war was over, such as the re-organization of the District office establishment. Under Forest provision has *inter alia* been for the purchase of motor lorries and for the erection of necessary buildings at the new plantations. There also extra demands are due to the increased activity in the administration of this department.

"As regards Police. Though the head shows an increase over the revised it is still less than the budgeted figures for 1917-18. The work for the reclamation of criminal tribes is advancing rapidly and a considerable enhanced allotment has been entered for that purpose. Grain compensation is, of course, an important item under this head, while the requirements in respect of extra railway police also represent a certain amount of additional expenditure.

"We are showing a very large increase under the Education head : of this 2 lakhs is a present from the Government of India. They have sanctioned a new recurring grant of 2 lakhs for primary education. A small portion of the increase is also due to the unspent balance of the recurring Government of India grant of Rs. 1,75,000 for the improvement of the pay and training of teachers. But the province has certainly contributed its full share to this head. I am sure that the very large figure allotted to this head must be a matter of satisfaction to those of the Hon'ble Members who are anxious to see further developments of this important branch.

"The head Sanitation requires a word of explanation, as it shows a reduction on the revised figures of this year. The reason for that is that the figures for this year include a special grant of Rs. 40,000 made by the Government of India for the sanitary improvement of the Bemloe Estate at Simla. Moreover we have granted an extra lakh to the Sanitary Board at their request for distribution to local bodies for sanitary schemes.

In the absence of sanitary schemes the Sanitary Board generally finds some difficulty at present in expending its ordinary grant and for the present we are only providing for the usual recurring 4 lakhs for the Sanitary Board. If finances permit and further assistance is required, the question of an addition can be considered later.

The Agricultural head contains an allotment of 5 lakhs from the wheat profit scheme, and the Director of Agriculture will no doubt explain how he proposes to utilise this sum.

"The Miscellaneous head is purely formal. It now contains the grants to district boards, and the amount provided for the copying agency scheme which was introduced on the 1st of October. It contains also the usual Government reserve.

"The only other head I need refer to is the head 45—Civil Works (Public Works Officers) where we are providing 17 or 18 lakhs more than we are spending this year. There are included in this head no less than 5 lakhs for buildings for educational purposes and about 7 lakhs for the improvement of communications. I am sure the Hon'ble Members will recognise that the provision made for these works is most generous. Under the sister head of Civil Works in charge of Civil Officers, 4 lakhs are included for colony roads. So that next year we have made altogether a provision of 11 lakhs for improvement in the efficiency of Provincial communications.

"The nett result of all this is that we hope to end the year with a closing balance of 1 crore 93 lakhs,—a very substantial reserve against a rainy day.

[Mr. Lumsden.]

"I have already said that the figures of this year as compared with those of the pre-war year 1913-14 show that the expenditure has considerably increased; it is 56½ lakhs more than the figure estimated for in that year. But, perhaps some further details may be of interest. In 1913-14 the estimated revenue amounted to 4 crores, 46 lakhs. This year, as I have explained, it is 5½ crores, i.e., 103 lakhs above the figures of 1913-14. To this enormous balance the main contributors are the following :—

Land revenue, 32½ lakhs.

Irrigation, 18½ lakhs.

Excise, 10½ lakhs.

Income-tax, 7½ lakhs.

Forest, 9½ lakhs.

"If we allow the Irrigation its full share of land revenue the contribution by the Irrigation head will be not less than 44½ lakhs. This figure will, I think, show clearly the enormous importance of irrigation to this Province, and every expansion means a large increase in our annual income. The Forest head too shows a very substantial and welcome improvement. There are great potentialities about this Department, and it is now rapidly becoming an important provincial asset.

"On the expenditure side we have budgetted for nearly 5½ crores. This compares with a figure of 4 crores 90 lakhs in 1913-14, and the figures of this year are even better than they appear. In 1913-14 the expenditure budgetted for involved a withdrawal of no less than 43½ lakhs of the Provincial Balance, where we hope to meet our expenditure from the year's income. But while all this is extremely encouraging, we must not forget the growth of recurring expenditure. I find that the recurring expenditure in 1913-14, taking this as roughly represented by the budget figures less the new expenditure, was 4 crores 43 lakhs. This year it has risen to 5 crores, 3 lakhs, that is to say, there is a difference of some 60 lakhs in recurring expenditure during the five years. That is a very considerable increase and must be taken into account in estimating the net surplus of income over expenditure. There is another point too which must have been noted in connection with the large balances that we are accumulating. During the five years in question no less than 88½ lakhs have been paid in on account of sales of Government estates and waste lands, etc. Now all this money is really capital and not income, and in any consideration of the large provincial balance this point should not be overlooked. No ordinary business concerns would treat such receipts as income, and it is a serious mistake to regard the proceeds of such sales as mere income which can be spent on recurring expenditure. It should be regarded as capital and invested so as to provide the Province with a suitable return.

"I do not think I need detain the Council any longer. Whether regarded on the basis of past history or in the light of future prospects I think the financial position is very satisfactory and fully justifies the very generous budget we have framed. There is still room for further expansion on the part of the Irrigation Department, and we hope that it will continue to add very considerably to the income to be derived from this head. There are also great possibilities as regards the future development of forestry. Agriculture as distinct from land revenue, though it may not be financially of great consequence, has an enormous economic importance, and by improved methods fo

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agriculture, improved seed and intensive cultivation, the receipts of the Province can indirectly be very materially increased. Income-tax, no doubt, will show a large expansion with the increasing prosperity of the Province, and, generally speaking, the outlook is extremely hopeful. Industry is, of course, still in its infancy but should eventually afford great assistance. Lastly, we must not omit the Fisheries Department. I am personally a great believer in the economic future of this department. Taking all the facts into consideration it may, I think, safely be said, provided no violent schemes are indulged in and that progress continues on the same orderly lines, apart from the deep shadow of the war, the future of this Province is bright with hope from the financial point of view. At any rate I may affirm without fear of contradiction that at the present time the financial position is thoroughly sound and satisfactory.

"I have just a few heads to introduce before I resume my seat. I have already explained at the last meeting that the Financial Secretary occupies the arduous position of Secretariat maid of all work, the heads I have to introduce give point to this remark as they are all of such a nature that no other person would look after them.

They are on the receipt side:—

No. XII—Interest.

No. XXI-B—Scientific and Miscellaneous Departments.

No. XXII—Superannuation.

No. XXIII—Stationery.

No. XXV—Miscellaneous.

On the expenditure side:—

No. 1—Refunds,

„ 13—Interest,

„ 26—B—Scientific and Miscellaneous Departments (only a small portion),

„ 29—Superannuation,

„ 30—Stationery,

„ 32—Miscellaneous, and

„ 33—Famine Relief.

"As regards interest, I may point out that the reduction made under this head is due to the fact that we have to pay $5\frac{1}{2}$ per cent. on the money that we lend, whereas we used to get money at $3\frac{1}{2}$ per cent. As we have not raised the rate that we charge from cultivators for takavi loans, the whole difference in the rate paid for money for such loans represents a loss to the Province.

"I do not think I need say anything about head XXI-B. There are only two important items: boiler fees and fees on account of Joint Stock Companies. We cannot expect much progress under either while the War lasts. Boilers are unobtainable, and no new Joint Stock Companies are being formed.

"As regards XXIII—Stationery, a change in the method of accounts is responsible for part of the reduction here.

[Mr. Lumsden; Mr. Maynard.]

"Under the head XXV—Miscellaneous is included the Copying Agency Scheme which was introduced on 1st October and which we hope will be remunerative. A special item of one lakh exhibited under the minor head Miscellaneous represents a repayment by the Imperial Indian Relief Fund.

"On the expenditure side under head 13—Interest, I may point out that we are not so far suffering seriously from the enhanced rate of interest because the great bulk of our money has already been received at $3\frac{1}{2}$ per cent. or $4\frac{1}{2}$ per cent., and very few new loans at the enhanced rate have been arranged. Consequently this head does not exhibit to any extent the effects of the increase in the rate of interest charged.

"As regards head 26-B—Scientific and Miscellaneous. I explained last year that the only interesting item left to me was that of Fisheries, but this Department is still in its infancy. I need not say anything about it at present. It has hardly got beyond the experimental stage.

"Under Superannuation we are making allowance for the increased cost of commutation. The system of commutation has proved extremely popular, and a number of officials who have retired have recently been taking advantage of the concession in order to obtain a lump sum wherewith to build a house in which to settle down or to make an investment in the war loan. We have accordingly made enhanced provision under this head.

"The stationery figures are very satisfactory. I got some details from the Superintendent of our Press which show that the cost of ordinary paper has gone up 100 per cent. and that of the coloured paper 300 per cent. In these circumstances, after making due allowance the difference in the system of accounts, the only slightly increased provision which is less than that of the budgetted figure of last year, must be considered satisfactory, and is due to the endeavours to introduce economy in the use of paper in every possible department.

"I need only say a word about the Famine Relief head. I pointed out last year that head No. 36 was about to disappear. It appears this year only to show the actuals of 1916-17, and it will no more figure on the list. I have explained how it has become merged in 33—Famine Relief. Under our new arrangements one-fourth of the provision under this head will be paid by the Provincial revenues and three-fourths by the Imperial revenues. We have made a provision of six lakhs for next year. I do not think it is excessive in view of the fact that any failure of the rains necessitates large expenditure on fodder concessions.

"With these brief remarks I beg to introduce the Financial Statement and the heads standing against my name."

The Hon'ble Mr. Maynard :—

"*Land Revenue Receipts, I.*—When the Budget of 1917-18 was being prepared, a rainless winter and spring seemed to foretell a serious failure. The heavy and continuous rain which fell a little later did damage in the south and south-east, but benefited the crops in the north where the harvesting is later. In the result the watered area was higher by 23 per cent. than in the preceding spring harvest, while the yields of the principal crops were not seriously below normal. Wheat gave 98 per cent. and gram 108 per cent. of the normal yield, though barley and oilseeds gave only 90 per cent. The fluctuating land revenue was consequently more than had been anticipated, and only small amounts (Rs. 49,000 in all) of fixed land revenue

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were suspended and remitted. The total revenue receipts exceeded those of the previous indifferent rabi by 14½ lakhs. Kharif sowings (except those of cane and cotton) were interfered with by the early appearance of the monsoon, and the crops, particularly cotton and millets, suffered from the heavy rain continuing into September. The kharif harvest was markedly less good than that of the preceding year. Three and one-third lakhs of revenue were suspended—and remitted, and collections are expected to fall short of those of the preceding kharif by nearly 6 lakhs.

“The late rainfall did much damage to cotton, particularly in the south-east of the province. But the extraordinarily high prices obtained by the cultivators afforded some compensation. I should like to have had Hon'ble Members present with me at some of the cotton auctions held under the auspices of the Agricultural Department. As much as 22 rupees per maund were paid for raw cotton of the Punjab American type, which is now predominant in the colonies. This price gives a return of 132 rupees per acre, even if only six maunds be produced. In the Lower Bari Doab Colony such an acre pays to Government two rupees land revenue and four rupees water rate, say, one-sixteenth of the value of a yield somewhat below average, sold at a price considerably below the top prices which were reached. The premium which the cultivators obtained for their American cotton added 45 lakhs to their income for a single year. At these auctions one sees the great exporting firms such as Messrs. Ralli Brothers, Bombay firms such as Tata Brothers, and outsiders such as the Japan Cotton Company, all competing; and the money which goes into the pockets of the cultivators is largely money which comes straight out of the pockets of foreigners.

“The extremely high prices bid for Crown lands at the recent auction in the Lower Bari Doab Colony—Rs. 330 per acre—are doubtless to be attributed to the very high prices at which produce, particularly cotton, has recently been sold.

“Special measures were taken to encourage the extension of the sowing of food-crops for the present rabi season, and as many as 64,000 additional acres of Government land were broken up for cultivation in the Lyallpur District alone. The latest wheat forecast shows the area under wheat to have increased by a million acres, so that it is above the quinquennial average by 13 per cent. The exceptionally great amount of moisture which the September and October rains left in the soil encourages the hope that the crop has not suffered seriously from the long delay of the winter rains, and the light rainfall of the past few days has helped to alleviate the situation. The Budget figure for 1918-19 has been placed at a figure which, if allowance be made for the transference of certain land revenue receipts to the Irrigation head, is virtually the same as the revised estimate of the current year, and there is no reason to expect that it will not be realised if the monsoon be of average strength.

“The chief cause for increased expenditure budgetted for in 1918-19 is the reorganisation of district establishments and the increase of pay of the clerical staffs and of chaprasis, process-servers and certain menials. The reorganisation of establishments is being proposed in accordance with the recommendations of a committee which investigated the question of clerical establishments in the year 1912-13. One important feature of the changes to be made is the raising of the pay of all clerical posts on less than Rs. 20 per mensem to that figure. As soon as the district proposition statements have been verified by the Accountant-General, the proposals will be submitted to the Government of India for sanction. The relief proposed for chaprasis and other whole-time servants whose pay is less than Rs. 7 per mensem is a provi-

[Mr. Maynard.]

sional and temporary addition of 1 rupee per mensem to their pay, pending the careful examination of the possibility of reducing the number of these employees by an officer who will be placed on special duty for this purpose.

"One and one-third lakhs have been provided for the creation of the new district of Sheikhpura. The main reason which has necessitated this is the development of irrigation from the Upper Chenab Canal in the Sialkot, Gujranwala and Lyallpur districts. The new district will be made up of portions of these three districts.

"An interesting item in the land revenue expenditure of 1918-19 is the sum of 2 lakhs provided for the Sind-Sagar Survey which began in October last. This foreshadows in the not very remote future the bringing under the plough of the last of the great desert tracts which occupy the highlands between the great Punjab rivers. The latest figures show an increase of a million acres within five years in the area annually irrigated by canals, and a total watered by canals of nine million acres in a single year. Do Hon'ble Members realise what this means? There is no artificial irrigation in the whole world comparable in volume and quantity to the canal irrigation of the Punjab. It suffices to feed at least nine million mouths. Other nations boast of their natural advantages or their great economic achievements. Here is, something unique in the world for Punjabis to boast about. In this at least to borrow an American phrase, 'we lick creation.'

"The increase in the revised figures for receipts under head V—Excise is due to increased consumption of country-spirit and consequent increase in still-head duty. This is the result of, on the whole, favourable economic conditions, and particularly of the increased prices of agricultural products. The further increase in the excise head in the Budget for 1918-19 is due to the extremely favourable expectations of the rabi harvest more particularly at the time when licenses were disposed of in January and February. Under existing conditions and until people learn a better way of spending their spare cash favourable agricultural conditions will always mean increased consumption of stimulants, and the expectation of such conditions will mean higher prices for the right of vend. A very remarkable feature of the sale of licenses for the coming year is this:—The number of charas shops has been cut down by 23 per cent. and the direct taxation of charas has been increased by 28 per cent. Yet the payments offered for the reduced shops, with the dearer article, have increased by 14 per cent.

"The case of opium is scarcely less remarkable. The charge made for excise opium has been raised by 18 per cent. with corresponding increases for hill opium. A reduction has also been made in the amount of opium allowed for consumption in order to reduce the opportunities of smuggling the opium to Burma. In spite of these facts, the vend fees offered for the shops have increased by 28 per cent.

"The system of sale of liquor in closed and sealed bottles for consumption off the premises only is being extended into four new complete districts, Lyallpur, Shahpur, Jullundur and Ambala. It would be extended more rapidly but for the difficulty in obtaining bottles. An offer was made to an Indian glass manufacturer that for ten years to come half of the bottles used in a certain division should be bottles of Indian make, if he would tender for the supply of them. But he found himself unable to make a tender, so the opportunity of helping an indigenous industry was lost.

"The increase in the budgetted expenditure under the head of Excise is due to provision for improved pay of staff, including a time-scale.

[*Mr. Maynard ; Mr. Thompson.*]

"This was necessary in order to make the prospects of the Excise staff as attractive as those of the corresponding class of officials employed in land revenue work.

"The increased expectation of income-tax receipts is mainly due to the enhancement of the rates of the tax upon the larger incomes, but it is partly due to the operations of a special revising staff, which has worked with good effect in some of the towns including Lahore and Amritsar. The old system was to leave the assessment to tahsildars, who, being already very fully occupied with other matters, were unable to give more than a cursory attention to this additional subject. The new system, applicable to urban rather than to rural areas, where persons with incomes assessable to income-tax are very sparsely scattered, is to begin with a house-to-house survey, so that no likely businesses may be overlooked, and then to investigate each case with the help of men versed in the Indian method of accounts. The result is to eliminate a number of men with small incomes who had been wrongly assessed under the old summary methods, but to bring on the list some who had been overlooked and to raise assessments generally to a fairer pitch. An illustration of methods and results is given by a case which occurred in Lahore. It was found that a certain timber company had been entirely overlooked in past assessments. This one discovery added Rs. 10,000 per annum to the income-tax receipts of the district.

"The system of assessment by special agencies is now being carried a good deal further. The increase in the expenditure under the income-tax in 1918-19 from Rs. 15 to Rs. 41 thousand is on account of the employment of four staffs, each under an Extra Assistant Commissioner. Two of these will work in the Lahore Division; one in the Multan and Rawalpindi Divisions, and one in the Jullundur and Ambala Divisions."

The Hon'ble Mr. Thompson :—

"The only head which I have to introduce, Sir, is No. 18—General Administration, in regard to which certain remarks will be found at pages 17-18 of the Finance Member's Memorandum. Under this head come the salaries of the Lieutenant-Governor and the staff, Financial Commissioners, Commissioners, the Secretaries and the offices under them, the expenditure on the Legislative Council and the charges on account of the Examiner of Local Funds and his auditors and clerks. Naturally, charges such as these vary very little from year to year. The largest single sub-head is that of the Civil Secretariat on account of which a provision of rather over four lakhs has been made in the Budget. In normal times the charges for the Secretariat fluctuate, mainly owing to the standing of the officers who happen to be holding certain appointments in the Secretariat, the number of the officers whom it is found necessary to place on special duty, the extent to which it is found necessary to employ special temporary establishment and the number of officers who happen to be on privilege leave. In the coming year's Budget the Hon'ble Members will observe that provision has been made for a substantial increase in the remuneration of the Secretariat clerks. Full details of the scheme have not yet been settled, but the second grade of clerks in the Secretariat have been drawing their present scale of pay for a large number of years past, and I do not think any argument is required to justify any increase that may be sanctioned for them.

"The only other point that I need draw the Members' attention to is the enhanced provision that has been made in the revised estimates and in the Budget for expenditure on the Legislative Council. We are, as the

[Mr. Thompson ; Mr. Craik.]

Hon'ble Members are aware, passing through a period of very considerable legislative activity which it is expected will continue during the coming year.

"With these remarks, Sir, I beg to introduce the Budget head 18—General Administration."

The Hon'ble Mr. Craik :—

"YOUR HONOUR, the heads for which I am responsible are on the income side—

VI—Provincial rates ;

IX—Forests ;

X—Registration ;

XVI—Law and Justice ;

XVII—Police ;

and on the expenditure side—

2—Assignments.

11—Forests.

12—Registration.

19—Law and Justice.

20—Police.

"Of these Provincial rates, Assignments and Registration are unimportant and not inspiring subjects, and I don't think the Council will expect any remarks from me about them. On other subjects my observation will be designed so as to give Hon'ble Members some information of general and not purely financial interest in regard to the working of the departments.

"Dealing first with forests, the financial position is one on which the department may congratulate itself. Receipts this year are 19½ lakhs or 4 lakhs more than was anticipated. This is due, as explained in the memorandum, mainly to increased demands for timber on the part of the military authorities both for utilisation in this country and for export to Mesopotamia and other theatres of the War. The greater part of this is absorbed on the construction of huts, trenches, and so on, but it may interest Hon'ble Members to know that certain species of Himalayan spruce have been found to be well suited for use in the manufacture of aeroplanes. Other contributing causes to the rise in income are the excellent returns from the Jallo resin factory, the profits from which (1½ lakhs) in the last administrative year more than covered the entire cost of the distillery, and the temporary leases of land reserved for irrigated plantations. Next year we expect a further rise in our income of 2½ lakhs, as we anticipate that the military demand will continue to be brisk, and a still greater amount of timber will be extracted under the direct agency of the department.

"All this necessarily means some expansion of establishment and larger expenditure. New methods of exploitation and extraction will have to be studied and developed, as, for example, the problem of mechanical transport. We are making a beginning by the purchase of a few motor lorries, but if this kind of transport is developed it will mean the construction of more roads. We have told the Government of India that the Punjab can usefully employ two expert Forest Engineers. Meanwhile the formation of irrigated plantations in the plains has caused a great increase in the area under the department,

[*Mr. Crail.*]

though it will in time mean a more than corresponding increase in revenue. We have provided for expenditure exceeding that of the present year by 4½ lakhs. The Secretary of State has sanctioned the reorganization and expansion of the department, and a beginning will we hope be made in a few weeks by the appointment of a second Conservator with the necessary clerical staff. The supervision of the huge areas under the department is really beyond the capacity of a single officer, however devoted and able; and the expenditure is one that will rapidly repay itself.

"I am glad to say that the last administrative year showed a steady improvement in the relations between the department and the people, that is, the right holders in forests, owing to a policy of generous concessions in the matter of free grazing. Forest offences and fires declined and the value of free grazing allowed is estimated to exceed 20 lakhs. The benefit to the cattle owners of the province is obviously immense.

"I mentioned the Jallo resin factory just now. A question was put to me the other day by the Hon'ble Rai Bahadur Bakhshi-Sohan Lal about the proposal to remove the factory to Bareilly. The Hon'ble Member will be interested to hear that the Punjab Government has now definitely rejected this proposal on the ground of the importance of the resin trade as a key industry to local commercial development, and also on account of the indirect stimulus which the example of so successful an enterprise is bound to exert on industrial expansion generally.

"As regards Head XVI-B (Law and Justice—Jails) the Council will notice that this year's income is 1½ lakhs more than was anticipated while expenditure was Rs. 34,000 less. The saving is due to the decrease in population on account of men drafted to Mesopotamia, and to the diminished number of admissions caused by the general falling off in crime.

"The Council may like to hear some details of the help furnished by the Punjab jails in the prosecution of the war. I believe I am right in saying that the first suggestion to utilize jail labour for this purpose originated from the Punjab Jail Department.

"Owing to the scarcity of labour, it was decided to open a camp at Dhariwal in connection with Army work at the New Egerton Woollen Mills, and this was done on the 6th February 1917. There are now over 300 inmates of whom 290 are actual workers, the rest being convict officials. The total cost of up-keep, including the initial charges, amounts to Rs. 37,938 up to 31st January 1918. The sum of Rs. 22,525 has been credited to Government and, in addition, Rs. 1,628 have been placed to the credit of the youths' accounts. This means that the net cost to Government for the year of some 300 prisoners was only about Rs. 15,000, which is much less than the cost if they had stayed in jail. The net expenditure per head, after excluding initial charges spent on the formation of the camp, amounts to Rs. 36, against Rs. 66-13-0 in 1916, for those confined in jails. Many of the lads have earned sums amounting to Rs. 20 per mensem. The Mill authorities speak most highly of their work and behaviour, and have expressed their willingness to give some of them permanent labour on release. Several lads have availed themselves of this offer. Every effort is made to keep the boys from relapsing into evil ways. No escapes or attempts to escape have occurred from the camp. The aptitude with which the knowledge of the use of intricate machines has been acquired is surprising, and has led the management to employ a large number of the lads on the higher and more remunerative forms of labour.

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"Another successful enterprise is the temporary Camp Jail instituted in connection with the Salt Mines at Khewra. This was opened in October 1917, the initial cost being borne by Imperial Revenues. Already the camp has proved a success; about 200 prisoners are at work excluding convict officials. More are being sent there.

"Inside the jails our energies have been almost entirely concentrated on Army work, the only exceptions being the making of paper, the demand for which from Government has been very great owing to the War, lithographic printing, departmental clothing demands, and maintenance requirements, such as work on the farms at the jails. The demands for labour from the large arsenals, military grass farms, and for building barracks, have invariably been met, about 1,000 men daily being supplied for this purpose, and at the same time all kinds of articles have been made in the jails, such as blankets, tents, head-stalls, nose-bags, water-buckets, ropes. Thousands of articles have been repaired, such as trench-jackets, trench-pads, *salitas*, mess-tins, lanterns, gas-masks and shovels. Since October 1916, some 5,000 men have been sent to Mesopotamia, and many more have volunteered and await despatch; 400 sweepers have already been sent, and a similar number of dhobies have been trained; our own two corps of porters and labourers are the largest there, and we have in addition been able to supply 200 men to the Madras Jail Labour Corps. The two Punjab Corps have been most favourably reported on by their Commanding Officers and were honourably mentioned in General Maude's despatch for good work on railway construction. Colonel Lane, C.I.E., Inspector of Disciplinary Corps in Mesopotamia and himself an experienced jail officer, in his latest quarterly report shows that not a single man deserted from No. 10 Jail Labour Corps (Punjab), the next Corps in order of merit among all Indian Jail Corps being No. 6 Jail Porter Corps (Punjab), with 8 only. He also states that the men have frequently and willingly given extra work.

"The great demands which the above activities have entailed at a time when the jail population is falling, owing to reduction in crime, coupled with the difficulty in obtaining warders, raw materials and means of transport, have necessitated much re-organization. New industries have been started, old ones expanded, and skilled labour trained. Jail labour has had to be concentrated, and for this purpose a number of jails have been reduced to subsidiary status. The efforts of the Department have earned the appreciation of His Excellency the Commander-in-Chief, who has been pleased to accord his thanks for the work done. I think Hon'ble Members will agree that Major Ward, the Inspector-General, and his staff are entitled to high credit for these excellent results.

"From the beginning of next financial year increases in pay aggregating nearly Rs. 20,000 per annum will be given to the warder staff. The pay of each grade has been advanced by Re. 1 per mensem and city allowances have been sanctioned for the large number stationed in Lahore. This was necessitated by the great demands of the Army and labour market generally, which has recently made it difficult to keep the warder guard up to sanctioned strength. The cadre is in fact at present gravely depleted.

"The only other head with which I have to deal is Police, which is important only on the expenditure side. This year there has been a considerable saving. Next year's budget provides for an increase in expenditure of some 2½ lakhs, but the greater part of this is accounted for by the scheme for the reclamation of criminal tribes for which we have provided Rs. 2,50,000 as compared with Rs. 1,45,000 this year. An additional sum of Rs. 20,000 has been provided under the head of the Criminal Investigation

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Department. This is for the re-organization of the clerical establishment at headquarters, but though the scheme is under consideration I may say that it is extremely improbable that more than half of this sum will be required. Similarly an additional sum of Rs. 38,000 has been provided for Railway Police, but I am informed that there will in all probability be no extra expenditure at all. But here again the scheme is still under consideration.

"The Council may like to hear something of the work of the new Criminal Tribes Department, whose active career may be said to have started in January 1917. In addition to the systematic registration and restriction of the wandering gangs, who had hitherto been free from all control and had recently greatly increased in numbers, a number of new settlements have been started. Eleven are now actually in existence. Five of these are old settlements of small size, two in Sialkot and three in Lahore. New settlements started are the Reformatory at Amritsar and labour-supplying settlements at Dhariwal, Shahdara, Bhiwani, Montgomery and Palampur—the latter being for work on a large tea estate. Four others will be started shortly, including the first agricultural settlements on the Lower Bari Doab canal and one in connection with the railway workshops at Moghalpura. The present population of existing settlements is about 4,000 souls, and eventually this will increase to 8,000. The work in the different settlements varies, but in all of them we endeavour to teach the inmates at least one useful trade, and attendance at school is compulsory for the children.

"At all settlements a roll-call is held morning and evening, and the inmates are subject to certain disciplinary rules varying in severity from the Reformatory settlement where they remain under constant supervision to the agricultural settlements where there is practically no restriction except the roll-call. Only 85 inmates in all have escaped and 52 of these have been recaptured.

"Residence in the settlements has led to the transformation of some of the gangs from filthy, carrion-eating, half-naked gypsies and beggars into decently clad and self-respecting families. The improvement in the matter of cleanliness is remarkable, and the more thrifty inmates of settlements have been investing their surplus earnings in the Savings Bank.

"Perhaps one of the most satisfactory features of the whole scheme is the number of men from the criminal tribes who have joined the army. The total is now 600, chiefly Bawaria Sikhs of Ferozepore, and certain Bilochis of Jhang. Other tribes are beginning to come forward.

"The fact that so large a number of expert thieves are kept in Settlements which they cannot leave at night must obviously have had a great effect on crime. Of course there are other causes at work, but this is not the least important. As regard the extent of that decline the total number of cognizable cases registered by the Police in 1917 was 17 per cent. less than in 1916; in burglaries the decline was 19 per cent.

"I think I may fairly claim that the prospects of the scheme are generally most hopeful. The people are gradually becoming reconciled to their altered conditions, are settling down to a life of steady labour in the settlements and are making progress towards genuine reformation. We cannot of course expect much from the older people, and our chief hopes must lie with the younger generation, which is getting regular education and profiting immensely by it. The children are for the most part mentally bright and quick to learn.

"I take this opportunity of tendering the thanks of Government to the various religious societies which have volunteered to assume the management

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of certain Settlements. The Salvation Army leads the way, and is in charge of 5 or 6. The Ahmadiya Anjuman-i-Ishaat Islam has displayed great keenness, and the Arya Samaj has also been zealous, while the work of the Chief Khalsa Diwan, the Anjuman Himayat-i-Islam and the Dev Samaj all deserve cordial acknowledgment."

The Hon'ble Mr. Holms :—

"Your Honour, in introducing the Public Works heads, I will first deal with those of the Buildings and Roads Branch by quoting from a note supplied to me by that Branch.

"The budget grant of 54½ lakhs, under head '45—Civil Works,' had to be increased during the year to 58 lakhs.

"The increase was partly due to the earthquake which occurred in Dharmsala in May 1917 and cost Government Rs. 55,000, it was also partly due to the abnormal intensity of the monsoon rains of 1917 which damaged buildings and roads to the extent of a lakh of rupees. The rest of the increase, Rs. 1,60,000, was required for the acquisition of residential properties in Simla. On the other hand the revised estimate is expected to stand at 49½ lakhs, and the short expenditure is due really to a single cause, lack of railway transport. This lack has brought about a shortage of coal without which bricks cannot be made, and a shortage of broken stone without which the roads in non-kunkar districts cannot be metalled.

"During next year it is hoped to use 67½ lakhs, chiefly on the works to be mentioned.

"The construction of a new metalled road from Fateh Jang to Khaul, 27 miles long, in the undulating country of the Attock District, will absorb 2.4 lakhs round. The object of this road is to provide better communication with oil-bearing rocks of that part of the Province.

"An estimate is under preparation for improving the road communication with Murree, which now has to bear exceedingly heavy traffic including mechanical transport. Another estimate is being worked out for the second section of the Larji Mandi road in the Kangra District.

"A project is being prepared to bridge the Tangri River on the Grand Trunk Road, a crossing which is responsible for a great deal of public inconvenience during the rains.

"For buildings for the new district of Sheikhupura a sum of Rs. 1,20,000 has been set apart. At Rohtak a Normal and Practising School is down for Rs. 70,000 round, and at Lahore a hostel for the Government College requires a lakh. The permanent buildings for the proposed Junior Training College at Jullundur will require Rs. 95,000.

"Again at Lahore a laboratory is required for the Chemical Examiner costing Rs. 98,000.

"With regard to the Irrigation heads, the latest figures go to show that there will be a rise of one lakh under 'XXIX—Major Works—Direct Receipts' over the estimate for the current year of 271 lakhs, which is 6 lakhs less than last year, which was exceptionally favourable. The increase over the estimate would have been considerably more had not the weather been unpropitious.

"The rabi rains of 1916-1917 failed, and the Jhelum Chenab and Ravi Rivers were extremely low, while in the kharif of 1917 excessive rainfall

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reduced the irrigated area on the Sirhind Canal and unseasonably late rain damaged the crop on the Western Jumna canal, and the irrigation on the Upper Jhelum Canal did not develop as quickly as expected.

"The estimate for the next year has been fixed at 281½ lakhs, which allows for expansion on the Triple Canals. Though favourable for *barani* rabi sowings, the late and plentiful monsoon led to a heavy decrease in the irrigated areas, especially in the South-West Punjab, and it is doubtful if the irrigated rabi areas on either the Western Jumna or Sirhind Canal will this year reach more than two-thirds of the areas of a year ago.

"For the current year the estimate of 122 lakhs for the indirect receipts has been reduced by half lakh, while for next year the Budget Estimate has been fixed at 130½ lakhs, higher credits being expected from the new canals under this head.

"Under the head '42—Major Works—Working Expenses,' the budget grant of 100.96 lakhs was raised by .6 lakhs, though the expenditure is now estimated at 104.35 lakhs. The increase was required partly to meet the cost of extensive repairs necessitated by the heavy monsoon, particularly on the Triple Canals, where the banks are not yet fully consolidated, and partly owing to the increased establishment charges thrown on to this head by the closing of the construction estimates of the Triple Canals.

"The Budget Estimate for next year has been fixed at 108.55 lakhs and Hon'ble Members may rest assured that such expenditure only will be incurred as is necessary efficiently to maintain these canals, of which as the Hon'ble Mr. Maynard in eloquent language has pointed out the Punjab may justly be proud and which as great food producers are of vital importance not only to this province, but to the Empire at large.

"In the adverse climatic conditions already referred to, that the irrigated area reached about 9.24 million acres during the current budget year may be considered not unsatisfactory. The corresponding figures for 1915-1916 and 1916-1917 were 8.88 and 9.58 million acres.

"Having commented thus briefly on strictly budget matters it will perhaps interest Hon'ble Members if I add a few general remarks.

"The present is clearly not the time to launch out on the construction of large projects, each of which may take 5 or 10 years to complete. The difficulties of financing them, the prohibitive prices of essential materials and the depleted state of the labour market and our engineering staff are all obvious. However, a halt in the programme of construction is not without advantage. It will enable us to consolidate our position before we advance again and, when we do, it may be that the provision of enough suitable colonists will be a problem not altogether easy to solve. Though heavy works in the field must for the reasons indicated be held in abeyance, there is no lack of new projects of first class importance under contemplation. The Sutlej Valley Project was submitted to the Government of India during the year, the field work of the Bhakra Dam Project is finished and detailed plans and estimates are now being prepared, the preliminary project for the Sind Sagar Canal to irrigate part of the Thal is also in hand, each of these three projects should effect about 1½ million acres of new irrigation or 4½ million acres in all. And lastly negotiations are proceeding with the Kashmir Durbar for building a barrage near the Woolar Lake Outfall to conserve the waters of the Jhelum.

"There are others but the large schemes mentioned will suffice to occupy fully the Irrigation Department for many years to come."

[*Colonel Hendley.*]**The Hon'ble Colonel Hendley :—**

" In introducing the figures under heads ' 20-A and 24-A—Medical' and part of ' 20-B and 24 B—Sanitation,' I have several matters, which I think are of interest, to bring to the notice of Hon'ble Members. From the year 1908 the Local Government, on representations made by Colonel Bate, has placed the sum of Rs. 20,000 yearly at the disposal of the Inspector-General of Civil Hospitals, to assist the less well-to-do local bodies in building and equipping dispensaries; each year the money has been spent to great advantage and now, after a full inquiry (instituted by the desire of His Honour the Lieutenant-Governor) into the extent to which districts had supplied medical relief, the Local Government has decided to increase this amount to one lakh, which, with suitable variations in the conditions, will be given as grants-in-aid to local bodies and associations in a similar manner to those set aside for educational purposes. The Government is well aware that it will be many years before the people of this Province can be adequately supplied with medical aid but it has made this new departure not only in the hope that it may stimulate local bodies to greater effort, but that it may tempt charitable societies to take part in the relief of suffering which all will recognise as a primary duty to their fellow-creatures.

" The School of Medicine for Women at Ludhiana was instituted in 1894 and carried on till 1906 without Government aid, but in the latter year on the advice of Colonel Bate the Local Government decided to give it its financial support. Eventually in 1914 for many reasons, which I need not specify but which I am sure would appeal to the Hon'ble Members of this Council, women ceased to be admitted to the male classes at Lahore. The result of this was necessarily that provision had to be made by Government, in return for increased facilities given and for conditions imposed for safeguarding the interests and customs of women of all creeds, for a greater relative proportion of the total expenditure both of an initial and recurring nature; but in doing this Government's policy has been directed rather to the bringing about of an increase of efficiency than to pay for the normal upkeep of the school. Here I should like to suggest to Hon'ble Members that Government has been very fortunate in having had such an institution made available by outside zeal and enterprise for its purposes: so that apart from the advantage to the girls, themselves, of being taught in a school officered entirely by women, there is the special gain of the community, having in view their future work, that they are receiving instruction in a hospital devoted to the treatment of women.

" Though Government undertook to provide itinerating dispensaries, for work in such parts of the Province as might be stricken by malaria, as far back as 1908, it is only now that definite provision has been made for them in the budget. During this last season 24 of these valuable institutions, each in charge of a Sub-Assistant Surgeon, itinerated in the worst affected areas. In future the intention is to get them to work earlier and to continue their operations later. There is no doubt but that they have been of great use and I am decidedly of opinion that quinine distributed by these means is calculated to be much more efficaciously used than when it passes through non-medical and indiscriminating agencies.

" The sum of Rs. 45,000 which was provided for quinine in the current year's budget proved insufficient and the grant was raised to Rs. 80,000, the deficiency was partly due to the increase in the price we had to pay for the drug, and partly to larger demands. Altogether 3,174 lbs. were distributed at a cost of Rs. 97,000 leaving a balance of 1,153 lbs. in stock. At no time was any demand refused, although early in the season we lent the Military Department a million tablets for the Waziristan Field Force.

[Colonel Hendley ; Mr. Townsend.]

"The large saving anticipated on account of the allotment for expenses in connection with plague is due to the great difficulty experienced in providing medical establishments to cope with the disease. The Province in its desire to assist the Military Department has refused no demands made upon it for medical men, but all efforts made to recruit others in their place has only resulted in 29 retired officials and two private practitioners coming forward, all of whom it has been found necessary to use mainly for work of a more general description. I cannot say that there has been any tendency noticed for private practitioners in the Punjab to accept work which will take them away from their practices or to places which would be inconvenient to them for private and domestic reasons. This lack of medical practitioners, however, has not been the cause of the difficulties we are experiencing in connection with the particular work of inoculation against plague; as unfortunately owing to the lack of glass receptacles in India, suitable for holding the vaccine, we are able with our present staff, burdened though it is, to use all that can be made available.

"Your Honour, I admit that my remarks deal (almost necessarily) with expenditure only, but I would suggest to Hon'ble Members that generally speaking an income of health would ordinarily be held to be preferable to one of wealth. With these remarks I beg to present the heads for which I am responsible."

The Hon'ble Mr. Townsend :—

"Your Honour, I am responsible for the receipt head 'XXI-A—Agriculture' and the corresponding expenditure head '26-A' and parts of the minor head 'XXI-B' on the receipt side and '26-B' on the expenditure side. Details as to the receipts and expenditure under these heads have been fully dealt with in the Memorandum attached to the Budget, and I only want to tell the Council now something about the five lakhs that we hope to spend in the next financial year out of the wheat profits grant. Of this a large part is to be spent on the purchase of wheat and cotton seed, and in doing so, I would bring to the notice of the Council that we are following the example of the United Provinces. Improvements and additions are also being made from this grant to the Lyallpur and Gurdaspur farms and to the Laboratory at the Lyallpur College. A large amount has been earmarked for reclamation of 'bara' land in the Lower Bari Doab Colony: and some fifty thousand rupees will be spent on additional Veterinary Hospitals in tracts where they are urgently required, as in the South-East of the Province.

"I now come to an item to which I attach great importance, and that is the establishment, either in whole or in part, of various district farms, partly as demonstration and partly as seed, farms for providing seed for the districts in which they are located. The initial expenditure either in whole or in part on these farms is being borne by Government out of the wheat profits grant of the current year, and the recurring expenditure will be borne by the District Boards. I should not have very great trouble in spending the whole of the ten lakhs of rupees on such farms.

"As to the general activities of the Department. The Hon'ble Mr. Maynard has mentioned one of our principal branches of work, the spreading of American cotton, and it may interest the Council to know that the net increase in income, at a most cautious estimate, accruing to the cultivators in the three Canal Colonies from the growth of American cotton in the present year was considerably more than three times the total expenditure on the Agricultural Department in the Province.

[*Mr. Townsend ; Mr. Richey.*]

" I would like to mention two matters as regards my duties as Director of Industries. The one is that as is stated in the Memorandum attached to the Budget I experienced considerable difficulty in spending my full budget grant. For that, Sir, I am not altogether to blame.

" Most of my time is occupied by my duties as Director of Agriculture. Whether however I am acting as Director of Agriculture or as Director of Industries I am only too glad to receive suggestions as to new lines of work to take up. I do receive a great many : but on examination the number of them that are worth developing can be counted on the fingers of one hand.

" For the rest there is only one point to mention, and that is that there is a considerable decrease in expenditure next year under the head factory inspection. The reason is that the services of the Factory Inspector have been placed at the disposal of the Military Department, and till his return the duties of factory inspection are to be carried out by Deputy Commissioners, as was the case before the separate Factory Inspector was appointed, and to some extent by me."

The Hon'ble Mr. Richey :—

" Your Honour, there are only three heads in the Educational Budget Estimates for the ensuing year which call for more detailed explanation than that which is provided in the Hon'ble Finance Member's Memorandum at page 21. These three heads show the largest variations, all, I am glad to say, in the right direction of increasing expenditure, over the Budget estimates of the present year.

" The first of these is Government Schools—General. Under that head an item of Rs. 20,000, as stated in the Memorandum, has been provided for the provision of special facilities for the education of orphans of soldiers who have fallen in the war. It is proposed to spend this money on providing free vernacular education for these orphans up to the Vernacular Middle Standard and in awarding scholarships where needed to cover the cost of school-books and of boarding. It is impossible, unfortunately, to calculate how large this item may be, but I am sure that whatever it may be the object will commend itself to the Hon'ble Members of this Council.

" The next head is Government Schools—Special. Under this head there is a difference of over three lakhs between the revised of the current year and the Budget estimate of the next year. Here we have next year the balance amounting to Rs. 1,35,000 of the recurring Imperial grant of Rs. 1,75,000, besides the whole of that grant due for the ensuing year. The balance of this year's grant is, as Hon'ble Members know, to be spent on the construction of Normal School buildings, a very urgent work. The objects on which we propose to spend this grant in future years, as I have informed the Council, are the opening of four Normal Schools for women, a very considerable strengthening of the Central Training College staff, the giving of special grants for the encouragement of provident funds and on the improvement of the pay of teachers in the Subordinate Educational Service. As regards the last two items I should like to add that the detailed project for the Normal Schools has been sanctioned by Government and a small representative Committee including the Managers of local High Schools has met and drawn up draft model rules for provident funds and suggested the lines on which Government aid should be given.

" As regards the Subordinate Educational Service, as you know, this scheme has been kept pending as we await the Government of India's decision on the general question of the reorganization of the Educational Services. But meanwhile I am glad to be able to inform the Hon'ble Member who moved a

[Mr. Richey.]

resolution on the subject and those other gentlemen who supported him that the Local Government has sanctioned, pending the revision of the service, the grant of personal allowances from the 1st April next to teachers of Oriental languages who are on the Rs. 20 to 30 grade.

"The next large item is grants-in-aid. Under this head we find an increase of nearly five and a half lakhs. In this there is an item of Rs. 50,000 which is a grant from the Government of India for the construction of a building for the Training Class for European Teachers at Sanawar. I might explain that there is no other training class of this kind in Northern India and the Government of India have recognised the service which the Punjab is doing to the rest of India by giving this grant, and have also promised further substantial grants.

"Over Rs. 30,000 has been provided to meet enhanced grants to aided secondary institutions. The expenditure in this direction is growing rapidly from year to year, and as it is due not so much to the increase in the number of aided schools as to improvement in the pay and qualifications of their staffs, this annual increase is a matter for congratulation as pointing to the increasing efficiency of our secondary schools. But the largest item of all under this head is one of four lakhs for primary education. Of this 2 lakhs have been provided from Provincial revenues and two lakhs are on account of a grant from the Imperial Government. I need not say how opportune this grant is at the present moment. As the Hon'ble Finance Member has already stated in answer to a question the Inspectors of Schools and District Inspectors are very busy in the preparation of the five-year programmes for the systematic expansion and improvement of primary education. I might supplement that answer by saying that a good many of the programmes have been received, and the Inspecting Staff have very nearly completed the remaining programmes. They have now to be very carefully scrutinized, and they have to be considered both by local bodies and by Government. For the information of the Hon'ble Member who moved a resolution on the subject of our primary schools, I am glad to be able to say that the improvement of existing schools forms an essential part of these programmes.

"Hon'ble Members have from time to time asked for more detailed figures of expenditure on primary education. As the Hon'ble Mr. Lumsden has explained to-day it is impossible to give accurate figures for primary education separately since Vernacular middle schools and also in some cases High Schools have primary departments attached to them. I can provide figures for vernacular education for the last two years. We have spent during the current year Rs. 14,45,188 on vernacular education, an increase of Rs. 88,441 over the expenditure in 1916-17. Of this sum Rs. 32,314 was spent on new schools. The estimates received from local bodies for their requirements for opening new schools in the ensuing year 1918-19 amounted to Rs. 41,000. When these estimates were received Government had accepted the new policy of five-year programmes of systematic improvement and expansion and therefore Government did not confine itself to providing the Rs. 41,000 asked for. It is instead providing an increased expenditure of one lakh for improvement and expansion, and the Government of India has given us two lakhs for this purpose. With this we may safely say that there will be a satisfactory start made during the ensuing year.

"During the current year Rs. 26,472 have been given to local bodies for vernacular school buildings. No provision for this expenditure existed in the current year's budget and the money had to be found by re-appropriation. In the budget for 1917-18 the Local Government has made special provision of one lakh for contribution to local bodies for buildings for vernacular schools.

[*Rai Bahadur Ram Saran Das.*]

"Finally, I should like to point out that of the increase in the estimates of eight lakhs forty five thousand in the ensuing year, an increase much larger than in any previous year, four lakhs and sixty thousand rupees are being found from Provincial revenues. With these few remarks I beg to present the head of which I am in charge."

RESOLUTION.

The Hon'ble Rai Bahadur Ram Saran Das :—

"YOUR HONOUR, I move the following resolution which stands in my name :—

"This Council recommends to His Honour the Lieutenant-Governor of the Punjab that a sum of Rs. 3,00,000—

- (a) be deducted from the proposed estimates under both the minor heads "Agriculture" of heads XXI-A & 20-A ;
- (b) be added to the proposed unspent balance of the ear-marked Imperial grant on account of wheat profits raising it from Rs. 4,18,000 to Rs. 7,18,000 ;
- (c) be provided out of the general closing balance thus increased for larger expenditure on district boards roads and be added to the minor head "Contribution" under head 32—Miscellaneous ; and
- (d) provided for purchase of pure seeds for sale be met from advance account and recouped from sale-proceeds thereof.

"With Your Honour's permission I would take parts (a), (b) and (d) first and will deal with (c) after that.

"When last year it was announced that a non-recurring assignment of Rs. 10,70,000 which has now been increased by Rs. 1,00,000 more, had been received by this Province from the Government of India on account of profits from wheat scheme, I asked on the 24th April 1917 the following question :— 'Will the Government kindly inform this Council for what special objects under head "Agriculture" the wheat profits just handed over to this province will be spent?' The Hon'ble Mr. Townsend replied 'The Government of India have ruled that the sum of Rs. 10,70,000 allotted to the Punjab out of the wheat profits is to be utilised for non-recurring expenditure on special schemes for the direct benefit of agricultural classes, any consequent recurring expenditure being met from Provincial revenues.' The Hon'ble Member in charge then enumerated some ten or eleven principal objects which the Agricultural Department had suggested as suitable for expenditure from this allotment. In that enumeration the purchase and re-sale of seeds does not appear : nor, Your Honour, are such transactions objects of non-recurring expenditure. They recur every year, and in that much, I submit, any expenditure on purchase and re-sale of pure seeds from this assignment seems to be against the instructions of the Government of India. Moreover, Your Honour, this expenditure is no expenditure at all : for, the amount spent on the purchase of pure seeds is fully recovered by re-sale. This year also it is estimated that seeds which are to be purchased for 3 lacs of rupees will be sold for 4 lacs, i.e., at a profit of one lac. The Imperial grant on account of wheat profits, therefore, is not diminished, but is on the other hand increased by this transaction. Consequently, it appears to me that the Finance Department is not justified in diminishing this ear-marked grant on account of the purchase and re-sale of pure seeds. I have, therefore, suggested that the unspent balance of this ear-marked grant should be estimated at Rs. 7,18,000 instead of Rs. 4,18,000.

"The purchase and re-sale of pure seeds, I submit, should be met from the Advance and Loan Account. I am sure, my this suggestion is quite in

[Rai Bahadur Ram Saran Das.]

accordance with the financial rules of the Government. In Article 119 of the Civil Account Code it is stated that revenue advances include among other things advances of special revenue departments, such as Salt and Excise, e.g., for purchase of opium. Excise opium is purchased by Government, and then re-sold at a profit. The profits alone are entered on the receipt side under head V—Excise, while the cost price is adjusted under the Advance Account. A similar procedure could well be adopted in case of purchase and re-sale of pure seeds. For this reason I have suggested that both the Receipt and Expenditure sides under minor head "Agriculture" of heads XXI-A & 26-A be reduced by 3 lakhs, the estimated cost price of seeds, and that the purchase and re-sale of pure seeds be met from an Advance Account. As advances for this purpose will be fully recoverable within the year it is not necessary, in order to carry out my suggestion, to take the special sanction of the Government of India in this matter. If the Government accepts this, I dare say, it would not disturb 'The Ways and Means' estimates of the Imperial Government. Moreover, Your Honour, there are two very serious objections against the present procedure. In the first place, it unnecessarily inflates Receipt and Expenditure sides of Agriculture. Secondly, transactions which are not of the nature of expenditure are shown as such. This, in my opinion, does not convey a true idea of the financial situation to the public. On the other hand, it creates misunderstandings. Not only does the Government utilise the unspent ear-marked grants for the benefit of Provincial revenues, with no corresponding advantages in the shape of increasing such balances, but it also diminishes such grants without fulfilling their objects.

"Your Honour, if in accordance with my suggestions the purchase price of pure seeds is not included in receipt and expenditure sides of 'Agriculture' and if seeds be purchased from Advance Account, and 3 lakhs of rupees now put down for purchase of seeds be restored to its right place under unspent balances of ear-marked Imperial grants, then the total Provincial balances at the close of the year 1918-19 are increased from Rs. 1,93,18,000 to Rs. 1,96,18,000. In this, the unspent balance out of ear-marked grants will be increased from Rs. 14,75,000 to Rs. 17,75,000. The real Provincial balance other than ear marked, will, however, stand still at Rs. 1,78,43,000. Your Honour, in part (c) of my resolution, I propose that the unear-marked balance be reduced from Rs. 1,78,43,000 to Rs. 1,75,43,000, and the 3 lakhs thus released should be granted to district boards so that they may have sufficient funds for the maintenance of roads under their charge. By this arrangement, the total Provincial balances will remain unaffected, and by this, I dare say, I shall not be upsetting the decision of the Government of India. Your Honour, this sum of 3 lakhs that I ask you to grant to district boards is badly wanted. Under the new scheme of consolidated fixed grants, the road expenditure of district boards has been cut down by about Rs. 2,28,000. In the statement published in the *Punjab Gazette* 1918, Part V, page 48, is given the mileage rate for the maintenance of roads in each district, as fixed by the Hon'ble Mr. Lumsden for the purposes of calculating consolidated fixed grants for district boards. In the Administration Reports of Public Works Department the total mileage of roads in each district maintained by district boards is given. Multiplying the total mileage in each district thus given by the mileage rate fixed by Government in calculating consolidated grants we get at the amount, the Financial Secretary thinks the boards ought to spend on their roads. This amount for 1915-16 comes to about Rs. 9 lakhs roughly. The actual expenditure on district boards roads during that year was Rs. 11,28,000 in round figures. It appears, therefore, that by means of new calculations of the Finance Minister the road expenditure of district boards has been cut down by more than 2½ lakhs. This was done under the plea that district boards were extravagant

in their road expenditure. But this is not proved from the public record of the Government. The rate of expenditure per mile on roads by Public Works Department was Rs. 866 in 1914-15, Rs. 918 in 1915-16 and Rs. 902 in 1916-17. The rate of expenditure per mile on district board roads was Rs. 767 in 1914-15, Rs. 766 in 1915-16 and only Rs. 642 in 1916-17. The mileage rate of district roads is therefore regularly decreasing. This cannot be said for roads maintained by the Provincial Government. Your Honour, under such circumstances the Finance Department was not at all justified in cutting down road expenditure of district boards. The agricultural prosperity of the country depends to a considerable extent on the condition and proper maintenance of roads. In these days of high prices and scarcity of labour the district boards, I fear, will not be able to keep their roads in proper condition if the road expenditure under the new consolidated scheme remains so curtailed. This curtailed expenditure part of which the Government has now re-allotted for development is quite insufficient to meet the case. In the first place, so far as the road expenditure goes, this sum was already available to them before the introduction of the new scheme. So that is no fresh relief to them. On the other hand it works with hardship on some district boards: for, this development grant is not distributed to all the district boards, e.g., out of the development grant of Rs. 35,000 which was allotted to Lahore Division, the district of Lahore has not obtained a single pie. If your Honour asks all the district boards as to how the new scheme has affected their maintenance of roads, I am sure, it would be found to have worked very injuriously. To remedy these defects I propose that a sum of Rs. 3 lakhs more be allotted to district boards and consequently the minor head 'Contribution' under head 32 - Miscellaneous be increased from Rs. 10,52,000 to Rs. 13,52,000. This sum can easily be provided for from Provincial balances if they are increased by a similar amount by transfer from major head 26-A to closing balance, as has already been suggested by me. Your Honour, the district boards are already suffering from a paucity of funds and excluding development grants, which every district board cannot hope to get, if their resources are further curtailed, the position of self-governing bodies will become hopeless. In the districts of the Bari Doab on account of the Sutlej Valley Railway having been dismantled, the obligations of the district boards in this tract have still further been increased, so far as the maintenance of the roads is concerned. If they maintain their roads in proper order, they will have to cut down expenditure on heads like Medical Relief, Sanitation or Education. Your Honour will agree with me that such a result is not desirable. I am confident the Government never intended it.

"Your Honour, I know that there is a technical objection against my resolution. It may be said that although I have not reduced expenditure I have diminished the receipts by deducting 3 lakhs from the minor head 'Agriculture'. I know the Finance Member can oppose my resolution on this technical ground. But, Your Honour, I am not responsible for this and I am not guilty of a graver offence than that which has been committed by the Finance Department. The way in which they have treated the amount for the purchase of pure seeds has left me no other course to adopt. In my business experience running over more than 20 years I have never come across any instance where a transaction like the purchase and re-sale of pure seeds could be debited to any account other than an Advance Account. My one particular object in moving this resolution was to bring this irregularity prominently to Your Honour's notice: and if possible to prevent it from taking place. My second object in moving this resolution was to show to Your Honour that this new scheme of consolidated fixed grants for district boards,

[Rai Bahadur Ram Saran Das.]

has reduced the resources of these local self-governing bodies and by this means to induce Your Honour to give more money to the district boards. The new scheme has no doubt, abolished as far as possible all ear-marked grants, and has thereby freed the boards from some of their present financial shackles, but at the same time, with reduced resources, I fear there can be no further advance in local self-Government, which was one of the declared objects of the scheme. The Finance Minister in his reply to a question on the subject put by the Hon'ble Rai Bahadur Lal Chand on the 13th of March 1917, charges district boards with extravagance in road expenditure. In the circular letter to the district boards also the same charge is repeated. Your Honour, as I have already stated this charge cannot be substantiated from the public record of the Government. While expenditure per mile on roads maintained by district boards is regularly diminishing, the Public Works Department charges have on the whole increased, and yet the Finance Minister on the plea, that district boards are extravagant, cuts down their road expenditure, and fixes arbitrary mileage rates for them. Your Honour, I have an experience of the working of district boards, and I know under what difficulties these boards are working, and I presume district boards representatives in this Council also understand as fully these difficulties. Probably for this very reason the Hon'ble Rai Bahadur Lal Chand and the Hon'ble Syid Rajan Shah-interpellated the Government on this point. Your Honour, road expenditure of district boards under the new scheme has been calculated at a diminished rate without any justification. It is against this that I have risen to protest. Because there was no other suitable occasion to do so I have chosen to do this in the form of a resolution at this stage with a hope that Your Honour will come to the relief of district boards and re-augment their resources by a grant of 3 lakhs to them. I would appeal Your Honour to make a thorough enquiry into the matter. I would ask Your Honour to make enquiries from local officers and if the Government wants to further the cause of local self-Government, I would appeal to Your Honour's Government to increase the resources of these poor half-starved local self-governing bodies. I do not mean to say that this further contribution of 3 lakhs should be specially ear-marked for road expenditure: for, now under the new scheme the system of ear-marked grants has been abolished. But what I mean is this that the district road expenditure, which has unjustifiably been curtailed by the Finance Department may be met partly from this fresh contribution which would of course be for general district services. The receipts of the Government have been bettered in the revised financial statement by Rs. 6,25,000. The amount that I ask can be easily given from this increase in revenues, if from no other head. Your Honour, I hope mere technical objections will not stand in your way in order to accept my resolution or the principles underlying it. We non-officials are handicapped in many ways. We have not the advantage of necessary information which is always available to officials. Our resolutions are, therefore, likely to suffer from one technical objection or other. When we non-officials move such like resolutions we usually want the Government to accept the principles underlying them. If Your Honour gives me an assurance that ear-marked Imperial grants will not be spent in the way in which they have been spent in the case of wheat profits and if the consolidated fixed grants to district boards be revised in such a way so as not to make them suffer in their road expenditure, the objects of my resolution will have been fulfilled. I am sure this demand of mine is not unreasonable, and I believe Your Honour will kindly concede to this. With these remarks I commend the resolution which stands in my name for the consideration of the Council."

[Mr. Lumsden.]

The Hon'ble Mr. Lumsden :—

"YOUR HONOUR,—I am afraid it is my painful duty to oppose this resolution on financial grounds. I must congratulate the Hon'ble Member on the ingenuity he has shown in moving a resolution which *primâ facie* appears to be reasonable. I may, however, say that he lays himself open to the charge of a certain amount of inconsistency, as at the previous meeting he supported a resolution which, had it been accepted, would have had the effect of removing from the district boards—whose claims he is now pressing so hard—every single anna of Government assistance. I am not quite sure whether the main object of the resolution is to point out the alleged financial irregularity or whether it is to support the claims of district boards. I assume, however, that the financial irregularity is only a minor object.

"There are two financial objections which make it impossible to accept this resolution as it stands. The suggestion that the money for the purchase of pure seed should be excluded from the ordinary accounts and found from the separate advance accounts, is ingenious, but unfortunately it is not allowed by the rules. The Department itself wished to adopt this course, but we discovered from our previous records that the Accountant-General had in 1914 raised very strong objections to a similar action being taken for the financing of the supply of quinine. In fact we received pre-emptory orders that all amounts expended or received on account of quinine must be shown in regular accounts. In view of that decision we referred this matter to the present Accountant-General. That officer has refused to allow us to show these figures in the advance accounts and he has supported the decision by pointing out various weighty objections. The Hon'ble Member has referred to certain articles of the Civil Account Code, but he has not referred to the first article which lays down the general principle. Consequently it is not possible for us to accept this recommendation on this ground. This is my first objection.

"The second objection is the one already alluded to by the Hon'ble Member. In his carefully worded speech he has tried to show that there is no increased expenditure at all, for the 3 lakhs spent upon seed is recovered by re-sale. But under the budget rules we are not allowed at this stage to propose any reduction in proposed receipts unless we can show a corresponding reduction on the expenditure side. As the resolution suggests no corresponding reduction on the expenditure side, it cannot possibly be accepted.

"The Hon'ble Member appears to be under some misapprehension as to the use of the provision made from the wheat profits, and his suspicion appears to be justified by the figures he has given because it is not clear from the figures themselves how this sum of 3 lakhs is to be adjusted in the Provincial accounts. We are providing for the use of the Department of Agriculture the lump sum of 5 lakhs out of the wheat profits scheme, and this provision of 5 lakhs has been shown against the ear-marked grant. A *pro formâ* account will however be maintained as regards the part of this money which is employed for the purchase of wheat and pure seed, and the receipts will be shown in the *pro formâ* accounts in reduction of the total debit. The result is that the wheat profit scheme will not suffer in any way from the present arrangement. The debit against it is purely temporary, and any receipts realised will be shown in reduction of the expenditure. The only permanent charge that will be made against the wheat profits money will be any loss which may occur through the transactions, and it is not likely that any loss will result. The Hon'ble

[Mr. Lum.sden.]

Member appears to consider that this method of showing *pro forma* items in the Provincial accounts is open to serious objection as it somewhat obscures the true position. There is a certain amount of truth in his complaint, but we are bound by the rules of the Civil Account Code which lay down that any money received or spent must be shown in its proper account on the receipt or expenditure side.

"As regard the District boards roads I was not anticipating that such heavy criticism would be levelled against our humble efforts to provide satisfactory arrangements. I may assure the Hon'ble Member that in order to obtain a proper figure for the maintenance of roads under local bodies we called for full information and made most intricate calculations, and only after the most careful consideration did we settle the rates for the respective districts. It is true that in some cases we did reduce the rates for the maintenance of metalled roads because it was found on enquiry that things had been carried on in a most extravagant way, but in a large number of cases we even went beyond the average rates shown by district boards in their annual accounts. It is against our general policy to give as a grant-in-aid ear-marked for special purposes as the Hon'ble Member now suggests; and any extra contributions should be made to the ordinary development grant.

"There is no doubt some truth in the statement that the district boards find it somewhat difficult at the present juncture to carry on the maintenance of roads. There are many difficulties, *e.g.*, in the way of getting materials, and owing to the War prices are also very high, and I quite sympathise with the Hon'ble Mover's desire to see more money allotted to district boards for this purpose. In the latest note on the Financial Statement we have provided another two lakhs on the receipt side, and I am not sure whether it is possible to get the Government of India to agree to allow the expenditure to be put up by a corresponding figure. If the Government of India agree to do this—though I am not sure whether they will do so at this late hour—I should personally be very pleased to add this 2 lakhs to assist district boards in connection with metalled roads. If that will meet the wishes of the Hon'ble Member, he will perhaps withdraw his resolution."

His Honour the President—"Does the Hon'ble Member still wish to press the resolution."

The Hon'ble Rai Bahadur Ram Saran Das—"On the assurance given I withdraw my resolution."

The resolution was withdrawn.

ADJOURNMENT.

THE Council adjourned to Thursday, the 14th March 1918.

LAHORE:

The 20th March 1918. }

S. W. GRACEY,

Secretary, Legislative Council.

APPENDIX I.

(SEE ANSWER TO QUESTION No. 8.)

Sanitary Service.

The actual total cost of the sanitary service for several years is given below, though of this only half the cost of 2 first class and 5 second class Health Officers and the entire cost of 1 Additional Deputy Sanitary Commissioner are chargeable against the Imperial assignment of Rs. 21,667 (round Rs. 22,000) sanctioned by the Government of India, Department of Education, in their letter No. 660, dated 24th April 1913, addressed to Government, Punjab :—

1913-14.

	Rs.
Pay of two first class Health Officers	15,226
Pay of Additional Deputy Sanitary Commissioner from 16th October 1913 to 31st March 1914 at Rs. 500 per mensem ...	2,758
Total	17,984

1914-15.

Pay of two first class Health Officers	13,090
(A Temporary Health Officer was engaged on a smaller scale of pay for the period from 1st April 1914 to 30th September 1914.)	
Pay of Additional Deputy Sanitary Commissioner from 1st April 1914 to 15th October 1914 at Rs. 500 per mensem ...	3,242
Also from 20th November 1914 to 31st March 1915 at Rs. 500 per mensem	2,183
Total	18,515

1915-16.

Pay of two first class Health Officers	15,000
Pay of Additional Deputy Sanitary Commissioner from 1st April 1915 to 19th November 1915 at Rs. 500 per mensem ..	3,817
Pay of Additional Deputy Sanitary Commissioner from 20th November 1915 to 31st March 1916 at Rs. 600 per mensem ...	2,620
Total	21,437

1916-17.

Pay of two first class Health Officers	15,000
Half pay of one second class Health Officer at Rawalpindi ...	924
Half pay of one second class Health Officer at Sialkot...	871
Half pay of one second class Health Officer at Ludhiana ...	133

* The other half pay of these second class Health Officers was paid by municipalities.

Pay of Additional Deputy Sanitary Commissioner from 1st April 1916 to 31st March 1917 at Rs. 600 per mensem ...	7,200
Total	24,128
GRAND TOTAL	82,064

APPENDIX II.

(SEE ANSWER TO QUESTION NO. 8).

Statement showing Grants to Local Bodies for Sanitation from Provincial Revenues.

(Figures in thousands of rupees.)

	Government of India grants.	EXPENDITURE.		
		Debited to Imperial.	Debited to Provincial.	Total.
1911-12	6,17	1,69	4,33	5,02
1912-13	14,50	6,51	4,16	10,67
1913-14	4,00	10,31	4,09	15,00
1914-15	7,30	10,65	14	10,79
1915-16	4,00	2,24	1,02	3,86
1916-17	6,01	4,11	1,62	5,73
Add grants given at the end of 1910-11.	5,00	...	...	...
Total	46,58	35,41	16,58	51,97

APPENDIX III.

(SEE ANSWER TO QUESTION NO. 8).

Statement showing Grants-in-aid during the years 1914-15 to 1917-18 for Rural S Works.

Year.	Description of work.	Estimated cost.	Grant-in-aid.	REMARKS.
		Rs.	Rs.	
1914-15 ...	(1) Murree-Kohla Road	62,585	500	
	(2) Gharannda Metalling and Drainage Scheme (Karnal District).	6,726	3,368	
	(3) Sultan Wind Paving and Drainage Scheme, Amritsar District.	14,940	10,000	
	(4) Gulla Shah Fair Area Water-supply Scheme, Siálkot District.	42,490	5,000	
1915-16 ...	(5) Kothi Loháru Drainage Scheme, Siálkot District.	10,500	3,500	
	(6) Rural Scheme of the Gujrat District ...	7,764	7,100	
	(7) Pipe at Chitti Dil Bungalow, Shahpur District...	1,608	804	
1916-17 ...	(8) Improvement to the Phalga Fair Area, Karnal District.	3,838	3,833	
	(9) Pipe Line at Chitti Dil Bungalow, Shahpur District.	2,198	1,099	
	(10) Rural Schemes of the Lyallpur District ...	22,560	7,520	
	(11) Kothi Loháru Drainage Scheme, Siálkot District.	10,500	4,100	
	(12) Pipe Line at Chitti Dil Bungalow, Shahpur District.	3,385	594	
	(13) Sankhatra Rural Area Drainage and Paving Scheme, Siálkot District.	2,779	950	
	(14) Roras Village Drains and Paving of Streets, Siálkot District.	745	248	
	(15) Wadda Drainage Scheme, Siálkot District ...	12,066	4,000	

APPENDIX VI.

(SEE ANSWER TO QUESTION No. 20)

Statement.

(a) Total number of persons at present under internment under the—				
Ingress Ordinance	...	...	...	47
Defence Act ..	...	...	...	<i>Nil.</i>
Total number of persons at present restricted under the—				
Ingress Ordinance	...	...	...	812
Defence Act ...	...	...	...	82
Total				941
(b) Total number of persons who on February 28th had been in internment under the Ingress Ordinance—				
(1) for more than two years	...	...	...	26
(2) for between one and two years	...	...	...	4
(3) for less than one year	...	...	...	17
Total				47
Total number of persons who on February 28th had been under restriction under the Defence Act—				
(1) for more than two years	...	...	...	58
(2) for between one and two years	...	...	...	17
(3) for less than one year	...	...	...	7
Total				82

NOTE.—Similar figures regarding persons under restriction under the Ingress Ordinance cannot be supplied at short notice.

APPENDIX VII.

(SEE ANSWER TO QUESTION No. 22.)

Statement showing Births and Deaths registered amongst Hindus (including Sikhs) and Muhammadans in the Municipal Towns of Lahore and Amritsar in each calendar month of the year 1917, and also Deaths of Infants under one year.

Months.	LAHORE TOWN.					AMRITSAR TOWN.				
	BIRTHS.		DEATHS.			BIRTHS.		DEATHS.		
	Hindus.	Muhammadans.	Hindus.	Muhammadans.	Infants under one year.	Hindus.	Muhammadans.	Hindus.	Muhammadans.	Infants under one year.
1917.										
January	219	530	205	399	152	307	314	206	177	93
February	176	449	152	312	144	278	284	173	112	87
March	173	397	212	349	185	285	318	217	176	129
April	185	385	145	387	132	226	277	181	176	103
May	142	330	230	419	142	201	235	198	183	103
June	110	310	212	467	169	206	239	235	207	106
July	146	440	198	424	194	224	269	225	208	110
August	222	509	188	383	197	330	354	285	300	147
September	225	475	266	556	256	400	418	562	564	265
October	302	618	357	823	368	458	420	934	1,699	506
November	240	524	467	887	237	257	257	626	932	329
December	217	459	473	783	166	274	280	433	539	142

NOTE.—Deaths of infants under one year of age by classes are not available.

APPENDIX VIII.

(SEE ANSWER TO QUESTION NO. 22.)

Statement showing Birth and Death rates amongst Hindus and Muhammadans in each calendar month of the year 1917.

MONTHS.	LAHORE TOWN.				AMRITSAR TOWN.			
	BIRTHS.		DEATHS.		BIRTHS.		DEATHS.	
	Hindus.	Muhammadans.	Hindus.	Muhammadans.	Hindus.	Muhammadans.	Hindus.	Muhammadans.
1917.								
January	27	43	25	33	39	44	26	25
February	22	37	19	25	36	40	22	16
March	21	32	25	28	37	44	28	24
April	17	27	18	32	29	39	23	24
May	18	27	28	34	26	33	25	25
June	14	25	26	38	27	33	30	29
July	16	36	25	35	28	38	29	20
August	27	41	23	32	42	50	36	42
September	28	39	33	45	51	58	62	121
October	37	50	44	67	57	59	118	224
November	30	43	58	72	27	37	105	137
December	27	37	59	64	35	39	61	75

POPULATION (CENSUS 1911).

Towns.	Hindus.	Muhammadans.
Lahore	80,783	122,765
Amritsar	78,896	71,540

APPENDIX IX.

(SEE ANSWER TO QUESTION No. 26.)

Statement showing Grants-in-aid for Sanitary Works made to the Municipalities in the Amola Division during the last five years (1912-13 to 1916-17).

No.	District.	Description of work.	Government grant.	REMARKS.
		1912-13.		
1	Hissar	Hissar—Abir Mohalla and Mori Gate Drainage	Rs.	
2	"	Hansi—Filling depressions	1,000	
3	"	Phiwani—Filling depressions and acquiring land.	1,500	
4	Ambala	Ambala—Water-works improvements	4,500	
			30,000	
		1913-14.		
5	Hissar	Hansi—Filling Lal Diggi Tank	5,260	
6	Ambala	Ambala—Drainage scheme	4,192	
7	"	Rupar—Drainage scheme	15,825	
8	"	Thanesar—Fair area drainage scheme	3,926	
		1915-16.		
9	Ambala	Repairs to Kalka water supply scheme	1,180	
10	"	Kalka—Drainage scheme	21,046	
11	Gurgaon	Rowari—Water-supply	70,000	
12	Ambala	Kalka—Drainage scheme	2,841	Supplementary grant.
		1916-17.		
13	Haugra	Dharavala—Combined water supply scheme	1,940	
14	Ambala	Kalka—Drainage scheme	12,646	
15	"	Ambala—Water-supply	90,710	
16	Karnal	Karnal—Drainage scheme	44,104	
17	Gurgaon	Rowari—Water supply scheme...	60,000	

(SEE ANSWER TO

Statement showing the grants made to the Municipalities

Municipalities.	1912-13.				1913-14.			
	Grant for vernacular education.	Grant for the maintenance of Anglo-Vernacular Schools.	Building grants.	Total.	Grant for vernacular education.	Grant for the maintenance of Anglo-Vernacular Schools.	Building grants.	Total.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
HISSAR DISTRICT.								
Municipal Committee, Bhiwani	1,840	...	1,840	1,017	...	...	1,017
Do. do. Sirsa	1,070	...	1,070	462	1,070	...	1,532
Do. do. Hansi	136	...	...	136
Do. do. Hisar	244	...	...	244
Notified Area, Dabwali-Mandi
Total	...	2,910	...	2,910	1,859	1,070	...	2,929
ROHTAK DISTRICT.								
Municipal Committee, Jhajjar	500	...	500	419	500	...	919
Do. do. Rohtak	947	...	...	947
Do. do. Gohana	17	...	...	17
Do. do. Beri	1,170	...	...	1,170
Do. do. Bahadurgarh
Do. do. Sonapat	304	...	...	304
Total	...	500	...	500	2,857	500	...	3,357
GURGAON DISTRICT.								
Municipal Committee, Palwal
Do. do. Ballabgarh	318	...	...	318
Do. do. Faridabad	1,135	...	...	1,135
Do. do. Ferozpur	940	...	...	940
Do. do. Jhirka	929	...	...	929
Do. do. Hodal
Do. do. Rewari ...	(a) 2,056	...	...	2,056	851	...	...	851
Total	2,056	2,425	...	...	2,425
Total	2,056	...	...	2,056	6,596	...	...	6,596
KARNAL DISTRICT.								
Municipal Committee, Karnal	1,050	...	...	1,050
Do. do. Pānpat	543	...	...	543
Do. do. Kaithal	500	...	500	252	500	...	752
Do. do. Thanesar	924	...	...	924
Do. do. Shahabad	1,183	...	...	1,183
Total	...	500	...	500	3,982	500	...	4,482
AMBALA DISTRICT.								
Municipal Committee, Ambala	870	...	...	870
Do. do. Jagadhri	1,500	...	1,500	629	1,500	10,215	12,344
Do. do. Buriya	680	...	...	680
Do. do. Sadhsara	108	...	...	108
Notified Area, Kharrar	90	...	...	90
Municipal Committee, Rupar	1,570	...	1,570	648	(b) 1,500	(c) 1,424	3,572
Notified Area, Kalka	304	...	...	304
Total	...	3,070	...	3,070	3,319	3,070	11,639	17,968
SIMLA DISTRICT.								
Municipal Committee, Simla	1,233	...	...	1,233
Total	1,233	...	...	1,233
TOTAL, AMBALA DIVISION	2,056	6,910	...	8,966	19,845	5,070	11,639	36,555

QUESTION No. 26).

in the Amhla Division for the years 1912-13 to 1916-17.

1914-15.				1915-16.				1916-17.				REMARKS.
Grant for vernacular education.	Grant for the maintenance of Anglo-Vernacular Schools.	Building grants.	Total.	Grant for vernacular education.	Grant for the maintenance of Anglo-Vernacular Schools.	Building grants.	Total.	Grant for vernacular education.	Grant for the maintenance of Anglo-Vernacular Schools.	Building grants.	Total.	
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
2,168	1,000	...	2,168	1,897	1,000	...	1,897	2,231	1,000	...	2,231	
947	...	...	1,947	963	...	...	1,968	958	...	...	1,958	
783	...	...	783	783	...	...	783	788	...	...	788	
347	...	...	347	486	...	...	486	430	...	...	430	
4,243	1,000	...	5,243	4,129	1,000	...	5,129	4,407	1,000	...	5,407	
935	500	...	1,435	1,410	500	...	1,910	1,778	500	...	2,278	
1,099	...	...	1,099	1,698	...	...	1,698	2,063	...	...	2,063	
298	2,030	...	2,328	402	...	...	402	404	...	...	404	
785	...	...	785	611	...	...	611	611	...	...	611	
1,194	...	...	1,194	2,032	...	...	2,032	2,222	...	...	2,222	
391	...	...	391	504	...	...	504	522	...	...	522	
4,892	500	2,030	7,222	6,657	500	...	7,157	7,640	500	...	8,140	
771	...	...	771	963	...	...	963	977	...	...	977	
1,321	...	...	1,321	1,448	...	...	1,448	1,667	...	...	1,667	
1,600	...	...	1,600	1,691	...	...	1,691	1,130	...	...	1,130	
1,670	...	...	3,070	1,267	...	...	1,267	1,363	...	...	1,363	
1,454	...	...	1,454	1,994	...	...	1,994	1,822	...	...	1,822	
3,291	...	...	3,291	3,445	...	...	3,445	3,502	...	...	3,502	
8,987	...	...	8,987	9,909	...	...	9,909	10,461	...	...	10,461	(a) Grants for the Industrial School, Kewari— Salary grant Rs. 1,080. Equipment grant Rs. 975.
1,278	...	...	1,278	1,294	...	...	1,294	1,264	...	...	1,264	
1,272	500	...	1,272	1,171	...	...	1,171	1,067	...	...	1,067	
796	...	...	1,295	2,186	500	...	2,686	2,431	500	...	2,931	
1,373	...	...	1,373	1,695	...	...	1,695	1,695	...	...	1,695	
2,140	...	...	2,140	2,410	...	...	2,410	2,685	...	...	2,685	
6,858	500	...	7,358	8,766	500	...	9,266	9,142	500	...	9,642	
1,936	1,600	...	1,936	1,635	...	...	1,635	1,385	...	...	1,385	
842	...	...	2,342	769	1,500	...	2,269	652	1,500	...	2,352	
854	...	...	854	1,034	...	...	1,034	1,080	...	...	1,080	
585	...	...	585	624	...	...	624	758	...	...	758	
90	1,600	15,000	16,229	90	...	...	90	90	...	...	90	
329	...	...	137	1,877	1,500	...	3,377	1,790	1,500	...	3,290	
137	...	...	137	254	...	9,600	2,754	654	...	...	654	(b) Salary grant for Industrial School, Rupar. (c) Includes a furniture grant of Rs. 325.
4,773	3,000	15,000	22,773	6,283	3,000	2,500	11,783	6,509	3,000	...	9,509	
1,690	...	...	1,690	2,241	...	...	2,241	2,292	...	...	2,292	
1,690	...	...	1,690	2,241	...	...	2,241	2,292	...	...	2,292	
5,000	17,030	53,253	87,975	5,000	2,500	45,475	40,551	5,000	...	...	45,551	

REVISED FINANCIAL STATEMENT SHOWING FIGURES

(Figures in thousands)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.	
Opening balance	63,55	1,03,08	1,22,75	1,89,78	
<i>Provincial Revenue and Receipts.</i>					
I—Land Revenue	1,42,60	1,40,31	1,48,20	1,43,62	
IV—Stamps	29,91	30,50	30,37	30,75	
V—Excise	37,93	38,67	42,63	45,74	
VI—Provincial Rates	32	30	34	31	
VIII—Income Tax... ..	12,31	12,90	16,72	17,50	
IX—Forest	16,88	15,74	19,74	22,58	
X—Registration	3,71	3,58	3,83	3,84	
XII—Interest	2,77	2,44	2,55	2,48	
XVI-A—Law and Justice—Courts of Law	6,90	7,00	7,30	7,60	
XVI-B—Law and Justice—Jails... ..	4,16	4,38	6,03	5,98	
XVII—Police	2,71	2,18	2,28	1,76	
XIX—Education	5,22	5,24	5,23	5,40	
XX-A—Medical	39	40	44	42	
XX-B—Sanitation... ..	1,16	81	1,26	96	
XXI-A—Agriculture	2,50	2,41	3,86	6,74	
XXI-B—Scientific and Miscellaneous Departments	31	30	34	34	
XXII—Receipts in aid of Superannuation	90	80	90	90	
XXIII—Stationery and Printing... ..	1,13	1,14	85	93	
XXV—Miscellaneous	5,50	5,46	6,64	6,33	
XXIX—Irrigation—Major Works.	Direct Receipts—				
	Civil	4	1	3	3
	Public Works	1,38,54	1,35,50	1,36,00	1,40,75
	Indirect Receipts—				
	Portion of Land Revenue due to Irrigation.	59,66	61,00	60,78	65,25
XXX—Irrigation—Minor Works and Navigation.	Civil	25	46	19	18
	Public Works	89	50	1,05	85
XXI—Civil Works.	Civil	1,81	1,75	1,57	1,52
	Public Works... ..	2,41	2,10	2,32	2,25
Transfers between Imperial and Provincial (vide Appendix A).	37,48	43,52	45,41	34,77	
Total Provincial Revenue and Receipts	5,17,89	5,19,40	5,46,86	5,50,01	
GRAND TOTAL	5,81,44	6,02,48	6,09,23	6,22,23	

Appendix XI.

REVISED FINANCIAL STATEMENT SHOWING FIGURES UNDER
MAJOR HEADS FOR THE YEARS 1916-17 TO 1918-19.

NOTE.

The Revised Financial Statement differs from the advance copy supplied to Hon'ble Members on the 6th instant in the following respects:—

REVISED ESTIMATES, 1917-18.

The provincial share of Land Revenue has been raised by Rs. 1,50,000 under the head "Sale of waste lands." Receipts under V—Excise and VIII—Income-Tax have been raised by Rs. 50,000 and Rs. 1,50,000, respectively, on a consideration of the February figures. The Transfer head includes an extra Rs. 80,000 given by the Government of India for special grants of Rs. 40,000 each to the Amritsar and Rawalpindi Municipal Committees for improving the sanitary conditions of these towns.

On the expenditure side, the head 24-B—Sanitation shows the addition of the Rs. 80,000 received from the Government of India. A reduction of Rs. 75,000 has been made under 42—Irrigation—Major Works—Working Expenses (P. W.)

BUDGET ESTIMATES, 1918-19.

Receipts under Excise and Income Tax have been raised by Rs. 50,000 and Rs. 1,50,000, respectively, for the same reasons as in the revised.

Rupees 10,000 have been transferred from the minor head "Charges of District Administration" to the minor head "Survey and Settlement" under the same major head.

On the whole the changes show a betterment of Rs. 6,25,000, raising the closing balance to Rs. 1,93,18,000.

O. F. LUMSDEN,

The 12th March 1918.

Financial Secretary to Government, Punjab.

REVISED FINANCIAL STATEMENT SHOWING FIGURES

(Figures in the

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918	
Opening balance	63,55	1,03,08	1,22,75	1,8	
<i>Provincial Revenue and Receipts.</i>					
I—Land Revenue	1,42,60	1,40,31	1,48,20	1,4	
IV—Stamps	29,91	30,50	30,37	30	
V—Excise	37,93	38,67	42,63	45	
VI—Provincial Rates	32	30	34		
VIII—Income Tax... ..	12,31	12,90	16,72	17	
IX—Forest	16,88	15,74	19,74	22	
X—Registration	3,71	3,58	3,53	3	
XII—Interest	2,77	2,44	2,55	2	
XVI-A—Law and Justice—Courts of Law	6,90	7,00	7,30	7	
XVI-B—Law and Justice—Jails... ..	4,16	4,38	6,03	5	
XVII—Police	2,71	2,18	2,28	1	
XIX—Education	5,22	5,24	5,23	5	
XX-A—Medical	39	40	44		
XX-B—Sanitation... ..	1,16	81	1,26		
XXI-A—Agriculture	2,50	2,41	3,86	6	
XXI-B—Scientific and Miscellaneous Departments	31	30	34		
XXII—Receipts in aid of Superannuation	90	80	90		
XXIII—Stationery and Printing... ..	1,13	1,14	85		
XXV—Miscellaneous	5,50	5,46	6,64	6	
XXIX—Irrigation—Major Works.	Direct Receipts—				
	Civil	4	1	3	
	Public Works	1,38,54	1,35,50	1,36,00	1,40,7
	Indirect Receipts—				
	Portion of Land Revenue due to Irrigation.	59,66	61,00	60,78	65,2
XXX—Irrigation—Minor Works and Navigation.	Civil	25	46	19	1
	Public Works	39	50	1,05	8
XXXI—Civil Works	Civil	1,81	1,75	1,57	1,5
	Public Works... ..	2,41	2,10	2,32	2,2
Transfers between Imperial and Provincial (<i>vide</i> Appendix A).	37,48	43,52	45,41	34,7	
Total Provincial Revenue and Receipts	5,17,89	5,19,40	5,46,86	5,50,0	

UNDER MAJOR HEADS FOR THE YEARS 1916-17 TO 1918-19.

(of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.	
<i>Provincial Expenditure.</i>					
1—Refunds and Drawbacks	1,07	92	1,23	96	
2—Assignments and Compenations ..	35	39	35	37	
3—Land Revenue	47,29	51,13	48,10	55,45	
6—Stamps	88	89	95	1,02	
7—Excise	1,16	1,29	1,21	1,30	
10—Income tax	13	14	15	41	
11—Forest	9,35	11,34	10,99	15,72	
12—Registration	1,24	1,30	1,25	1,30	
13—Interest on Ordinary Debt	1,94	2,05	1,95	2,04	
18—General Administration	12,49	12,66	12,21	12,87	
19-A—Law and Justice—Courts of Law ...	44,95	46,74	44,85	47,14	
19-B—Law and Justice—Jails	17,61	19,46	19,14	20,44	
20—Police	64,52	70,14	65,90	69,49	
22—Education	42,78	46,32	44,61	54,77	
24-A—Medical	8,04	11,05	8,90	11,57	
24-B—Sanitation	8,29	7,67	9,50	8,18	
26-A—Agriculture	12,41	24,45	13,39	18,54	
26-B—Scientific and Miscellaneous Departments ...	1,48	1,75	1,55	1,57	
29—Superannuation Allowances and Pensions...	24,25	26,68	25,80	27,20	
30—Stationery and Printing	7,08	8,47	7,77	8,15	
32—Miscellaneous	5,27	11,75	14,76	20,94	
33—Famine Relief	5,56	1,85	13	1,50	
36—Reduction or Avoidance of Debt	1,40	...	...	...
42—Irrigation—Major Works	Working Expenses—				
	Civil	1	...	...
	Public Works	51,73	50,48	51,80	53,27
	Interest on debt	35,02	37,62	35,59	36,07
43—Minor Works and Navigation.	Civil	67	78	44	45
	Public Works	1,97	2,77	2,59	1,50
45—Civil Works	Civil	11,15	12,72	4,92	7,10
	Public Works	38,65	54,58	49,80	67,29
Total Expenditure	4,55,69	5,17,39	4,78,83	5,46,61	
Closing balance	1,22,75	1,05,09	1,89,78	1,93,18	
GRAND TOTAL	5,81,44	6,22,48	6,69,61	7,59,79	

Transfers between Imperial and Provincial Accounts

(Figures in thousands of rupees.)

	Accounts, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
TRANSFERS FROM IMPERIAL TO PROVINCIAL—				
<i>Recurring—</i>				
(1) Fixed adjusting entry	4,88	4,86	4,96	4,86
(2) In connection with the surrender by the Local Government of Rs. 1 crore out of the Provincial balances.	3,50	3,50	3,50	3,50
(3) On account of the Imperial share of the sale-proceeds of sites for shops and residences in towns in the Punjab.	3,80	70	1,28	1,35
(4) For education	8,98	8,98	8,98	8,98
(4) (a) For primary education ... ..	...	...	...	2,00
(5) For maintenance and equipment of science laboratories of the Islamia College, Lahore.	30	...	30	30
(6) For University	35	35	35	35
(7) For a grant to the Lawrence Military Asylum, Sanswar	40	40	40	40
(8) For the Lawrence Memorial School, Morree	12	12	12	12
(9) For the improvement of pay and training of teachers ... ..	...	1,75	1,75	1,75
(10) For sanitation	4,00	4,00	4,00	4,00
(11) For the improvement of the sanitary services	22	22	22	22
(12) In connection with remission of appropriations from cesses	2,08	2,08	2,08	2,08
(13) To compensate Provincial revenues for the loss of income from the recovery in stamps of fees for the inspection of records.	10	10	10	10
(14) For remission of certain recoveries from local bodies	3,04	3,04	3,04	3,04
(15) For relieving municipalities of police charges	5,22	5,22	5,22	5,22
(16) To meet the expenditure for the grants of Rs. 100 per annum each to the holders of titles of Mahamahopadhyaya and Shams-ul-Ulma.	1	1	1	1
(17) Provincialisation of the salaries of officers of the Civil Veterinary Department and of the charges of the Camel Specialist.	1,31	1,31	1,13	1,00
(18) In connection with the creation of the new Province of Delhi	13	13	13	13
(19) In connection with the scheme for the import of charas and bhong in bond from the Punjab into Delhi.	...	13	13	13
(20) In connection with the famine insurance scheme	1,40	...	...	...
(21) On account of payments to be made to Chiefs of Keonthal and Kotli ... ..	...	...	11	29
	39,22	36,26	37,11	39,24
<i>non-recurring—</i>				
(22) Share out of the profit from the wheat scheme ... ..	...	10,70	11,70	...
(23) On account of the Imperial share of the contribution to the Walker Hospital, Simla.	6	...	6	6
(24) For archaeological expenditure	5	...	5	...
(25) To bring the net Provincial revenue from Irrigation to 41 lakhs ... ..	...	...	...	...
(26) Towards the construction of buildings for Government training class at Sanswar.	...	...	50	50
(27) To meet non-recurring expenditure in connection with the provincialisation of the appointment of Camel Specialist at Sohawa.	2	...	...	...
(28) For installing a water ram at the tomb of Lal Kookh at Hasan Abdal	1	...	...	...
(29) For Dhar housing scheme, Simla	1,61	...	...	...
(30) Towards Bemloe Estate sewage scheme, Simla ... ..	...	...	40	...
(31) Towards construction of quarters for the Dhais of the Provincial Dhais' School, Amritsar.	6	...	...	...
(32) For stipends to students to undergo training in pottery and paper manufacture	...	...	1	1
(33) For sanitary grants to Amritsar and Rawalpindi municipalities ... ..	...	...	80	...
	1,81	10,70	13,52	57
<i>Total Transfers from Imperial to Provincial</i>	41,03	47,06	50,63	39,81
TRANSFERS FROM PROVINCIAL TO IMPERIAL—				
<i>Recurring—</i>				
(34) On account of change in classification of the charges of P. W. Section of the Account Office.	23	23	23	23
(35) On account of the Provincial share of the enhanced receipts from excise.	55	55	55	55
(36) On account of the Provincial share of the enhanced receipts from income-tax.	2,25	2,25	3,93	3,75
(37) On account of cost of treasure guards (police or barkandaz) employed in the Public Works Department.	52	51	51	51
	3,55	3,54	5,22	5,04
<i>Total Transfers from Provincial to Imperial</i>	3,55	3,54	5,22	5,04

Memorandum by the Finance Member.

Part I.

THE first part of this memorandum, which is based on the provisional orders of the Government of India on the second edition in order that it may reach members in good time, deals with the general financial position of the Province in the current and ensuing years. The second part, which has as usual been prepared by Under-Secretary, Financial (Mr. Barry), explains the estimates of revenue and expenditure under the different major heads and any important variations under minor heads.

2. The following table affords a bird's eye view of the state of the provincial finances :—

(Thousands of rupees.)

	1916-17.		1917-18.		1918-19.
	Revised.	Actuals.	Budget.	Revised.	Budget.
Opening balance	63,55	63,55	1,03,08	1,22,75	1,85,53
Revenue	5,07,43	5,17,89.	5,19,40	5,42,56	5,48,01
Expenditure	4,67,90	4,58,59	5,17,39	4,79,78	5,16,51
Closing balance	1,03,05	1,22,75	1,05,09	1,85,53	1,85,03

It will be noticed that the closing balance of the past year is almost 20 lakhs better than was expected. This large surplus is due in almost equal proportions to an increase over anticipated receipts and a decrease in estimated expenditure. In respect of the former the main factor in the situation was a considerable under-estimate under the Major Irrigation head, while exceptional and unexpected receipts during the last two months of the year under the Forests head falsified calculations to the extent of one-and-a-quarter lakhs. A reduction under the Jails head was due to non-payment within the year of certain supplies to the military authorities. On the expenditure side a pleasant surprise was provided under the head 42—Irrigation—Major Works: Interest on Debt, while the Roads and Buildings Branch were unable to carry out their full programme. Lesser reductions occurred under the heads 19 B—Law and Justice Jails, 20—Police, 29—Superannuation Allowances and Pensions and 30—Stationery and Printing. In the case of the last, part of the decrease, at any rate, is probably accounted for by the very stringent orders issued regarding economy in the use of paper and stationery generally. The difference under the Police head represents only a small percentage on the total allotted to that head. The savings are due to the gradual disbandment of the temporary force and to further demands for police officers for military duty. A large deduction was made on this account in the revised, but the result shows that another half lakh might have been cut out without prejudice. In consequence of these changes the opening balance for the year 1917-18 was raised to Rs. 1,22,75,000.

REVISED ESTIMATES, 1917-18.

3. The revised estimates for the current year again emphasize the general prosperity of the Province and the negligible effect of the war on the receipts. The rabi crops of 1917 were affected by the lack of winter rains and untimely storms during harvest, while in many places the autumn harvest was damaged by floods and excessive moisture. Nevertheless the prosperity budget,

which was framed in some fear and trembling in view of the somewhat doubtful prospects, has been fully justified and on the latest information, both as regards the rabi actuals and as to remissions and suspensions in the kharif, it has even been found possible to raise the Land Revenue head by several lakhs. The agricultural community have benefited by the high prices ruling for every kind of produce and have experienced no difficulty in meeting the very moderate demands made by Government in the shape of Land Revenue. The Excise and Income-tax heads both testify to the increasing wealth, and it may safely be said that so far as the revenue side of the account is concerned there is nothing, with the possible exception of the increased collections under the heads IX—Forests and XVI-B—Jails, to suggest that a world-wide war has been raging for more than 3½ years.

4. On the expenditure side, the case is somewhat different. Leaving out of account the special windfall of 11.7 lakhs on account of the profits of the wheat scheme—itself a war measure—the marked failure to spend the full allotment may be ascribed to the following reasons:—

- (1) Savings under Salaries owing to the employment of so many officers under the Military authorities.
- (2) The difficulty of obtaining certain classes of materials and the consequent compulsory postponement of schemes.
- (3) The efforts made to enforce the strictest economy in the use of various articles such as paper.
- (4) The absence of any substantial expenditure under the Famine Relief head.
- (5) The limited period during which it has been necessary to sanction *gr.a.n* compensation allowance, *viz.*, from 1st November 1917.

It will be obvious from the above that on this side of the account the war has not failed to exercise a very considerable influence.

5. As a result of the continued prosperity of the province taken in conjunction with the enforced contraction of expenditure, the year is expected to produce an addition of over 60 lakhs to the provincial balances. This sum is no doubt large, but it would be a mistake to assume that its existence shows that the province enjoys any superfluity of funds. Before any opinion is formed full consideration must be given to the special circumstances of the year's working. In the first place the special restrictions on expenditure continued in force throughout the year. In the second place nearly ¾ths of this surplus is due to the failure of the spending departments to utilise their full quotas and this failure is, as has been explained above, largely due to the war. In this connection the fact that the Agricultural Department received a sudden windfall of 11.7 lakhs cannot of course be ignored. In the third place a substantial part of the receipts arising from sales of Government estates and waste lands really represents capital and would not in ordinary business management be shown in the revenue account. Lastly, a portion of the increases under Forests and Jails are due to special demands by the military authorities. If due allowance be made for these various factors, the situation is materially modified, and, while satisfactory, cannot be made the basis of any extravagant schemes involving large recurring expenditure. Meanwhile there is the satisfaction of knowing that the large provincial balance affords some assistance to the Government of India in meeting their great difficulties in respect of ways and means.

6. The main differences on the revenue side between the budget and the revised may be briefly explained. An allusion has already been made to the increase under "I—Land Revenue." The revised figures may prove to have been slightly over-estimated, but they are founded on careful calculations and take into account suspensions as well as the demands of fluctuating revenue. More careful enquiries showed that the damage done was not so extensive as was at one time feared and the Gurgaon District, which appears to have been the chief sufferer last kharif, was able to reduce substantially its original estimate of suspensions. While maize and jowar were in most districts disappointing crops and the first cotton pickings were largely destroyed by the excessive rain, the high prices obtainable have done much to make up for the smaller yields.

7. The Excise head continues to expand steadily. The difficulties that attend any import from abroad have stimulated the demand for the Indian-made article. This is seen specially in the case of the duty on malt liquor where the estimate of Rs. 3,50,000 (Provincial share) may be compared with actuals in 1915-16 of only about $\frac{2}{3}$ lakh. Some allowance must, however, be made for an increase in the duty. At the same time too much emphasis cannot be laid on the question of import, because the opium receipts have been unexpectedly high and there is also a large increase under country spirits still-head duty, while in neither case is there any effective competition from abroad.

8. The Income Tax head also bears testimony to the growing wealth, though in any comparison with previous years' allowance must be made for the difference in rates. It is safe to say that the limit under this head has not yet been approached and the enquiries of the special agency, which is being considerably strengthened next year, will no doubt result in substantial additions to present figures. The progress already is satisfactory, but much remains to be done before this head receives its proper contribution.

9. The increase under Forests is due partly to a large number of leases for temporary cultivation granted in new plantations, partly to good prices obtained for grass—of which there was a plentiful crop this year in consequence of the abundant rainfall—and partly to arrear fellings stimulated by demand for military requirements. The Jail head was swollen by arrear payments for blankets supplied for military purposes in the previous year where, as pointed out in paragraph 2, the figures did not come up to expectation. The rise under the Agriculture head is nominal, being due to sale of seed for the purchase of which an extra grant was given during the year.

10. Under Transfers there have been a few small changes. A further lakh was distributed on account of the Wheat Profits Scheme, the Provincial share thus amounting to 11.7 lakhs. The recurring grant of Rs. 30,000 for maintenance of the science laboratories of the Islamia College which had expired has been renewed, while the sale-proceeds of sites for shop and residences in towns have exceeded expectation and led to an increase in the grant from the Imperial share. Special non-recurring grants were received towards the construction of buildings for the Government training class at Sanawar and towards improvements on the Bemloe Estate, Simla. On the other hand, the grant in connection with the provincialisation of the salaries of officers of the Civil Veterinary Department was reduced as charges on account of the Camel Specialist have now been classed as Imperial, while the estimate of the provincial share of the enhanced receipts from income tax has been raised from Rs. 2,25,000 to Rs. 3,93,000—an increase which does not appear to be justified on present information but which is admittedly only a rough estimate. According to the calculations made by this Government the estimate would appear to be at least one lakh too high.

11. On the Expenditure side, the Land Revenue head has been affected by most of the factors mentioned in paragraph 4 and in addition included an over-estimate in respect of the Sind Sagar Survey and certain sums which could not be utilised in connection with the formation of the new district at Shekhupura. Under 19 A.—Law and Justice—Courts of Law the difference is due mainly to savings under contingencies, salaries, and diet money of witnesses and to the transfer to the Land Revenue head of certain expenditure in consequence of changes regarding the process-serving establishment. The Police head included amounts for extra Railway Police, whose entertainment has not yet been sanctioned, and there have been large savings on salaries owing to the military demands for the services of officers. The reduction under 22—Education is mainly due to the fact that it was not found possible to utilise the whole of the recurring grant of 1½ lakhs made by the Government of India for the improvement of the pay and training of teachers. The unspent balance has been included in next year's budget. The exceptional increase under sanitation is accounted for by the placing of an extra lakh at the disposal of the Sanitary Board, thus raising the amount for grants-in-aid to 5 lakhs. The large decrease under the head Agriculture is of course due to the impossibility

of expending during the year any appreciable portion of the special grant of 11.7 lakhs on account of wheat profits. It was also found that provision made for the purchase of machinery could not be utilised owing to difficulties of supply.

12. The Miscellaneous head 32 now includes the consolidated and development grants to district boards amounting to 10.45 lakhs. This addition has been counterbalanced to some extent by the omission of most of the Government reserve and by a reduction in the estimated expenditure on account of the copying agency establishment, the new system having been introduced only with effect from 1st October.

13. The Irrigation figure which exceeds the budget estimate is due to unexpectedly heavy expenditure on repairs owing to damage to the new canals by the excessive rainfall and the closing of the triple project which has the effect of throwing expenditure on revenue instead of on capital. A change of system has resulted also in additional charges in respect of establishment being debited to revenue. The reduction under 45—Civil Works—Civil is explained by the change under the head 32 Miscellaneous, while under the sister head—In charge of Public Works Officers—the reduction allows for about 8 lakhs of lapses from the allotments for original works and repairs, several projects having had to be dropped owing to the difficulty of obtaining the necessary material at the present time, while extra charges for repairs necessitated by the earthquake and floods will fall mainly on next year's estimates.

BUDGET FOR 1918-19.

14. Despite the war and the general restrictions on expenditure which still remain in force it has again been found possible to frame the budget on optimistic lines and the proposals made involve expenditure exceeding by 29½ lakhs that budgetted for this time last year and by no less than 66½ lakhs the figures estimated in the Revised. The 'new' expenditure amounts to 44 lakhs as compared with some 7 lakhs in 1916-17 and a little over 30 lakhs in 1917-18. Among other schemes it is hoped to give effect to the recommendations of the Clerical Establishment Committee and also to improve the pay and prospects of various other employees of Government including process-servers, chaprasis and low-paid menials. It had been intended to postpone all such revisions until after the war, but in view of the high range of prices it was decided that the measures should be treated as urgent and introduced without further delay. Provision has been entered for the much-needed new district at Shekhupura and a sum of 5 lakhs from the wheat profits has been included in connection with expenditure on agricultural improvements. Special grants of one lakh each are being provided to assist local bodies in erecting school buildings and opening new dispensaries. By arrangement with the Railway authorities Government has secured the abolition of tolls on Railway bridges with effect from the 1st July 1918 and the Province will now be free from this somewhat archaic form of taxation with the solitary exception of the Rawalpindi-Murree Road in regard to which it has not been found possible to take action at the present time. An extra sum of Rs. 50,000 over and above the ordinary allotment of 3½ lakhs is being distributed for the improvement of colony roads and further provision has been made for the very important experiments in connection with the reclamation of land in the Lower Bari Doab colony. Almost 5 lakhs have been set aside for major works relating to education, while funds have been made available for the greatly needed bridges over the Tangri River and Omrah Nala near Ambala.

15. The individual heads on the revenue side do not call for many detailed remarks. The estimated receipts exceed the revised figures by 5½ lakhs and are nearly 28½ lakhs above the budget of the current year. The apparent decrease under the head I—Land Revenue is purely nominal as the portion credited to XXIX—Irrigation—Major Works must be added in order to obtain the complete figure. If this is done it will be seen that the receipts are expected to be better by over one-and-a-half lakhs. The anticipated improvement under the head V—Excise is mainly based on the results of the excise auctions

and increases in the duty on opium and charas. Under VIII—Income-tax normal expansion is expected. The head IX—Forests makes allowance for the continuance of departmental working in the Bashahr Division and for demands for timber by the military authorities partially counterbalanced by reduction of receipts from leases for temporary cultivation. Under XXI A—Agriculture a falling off in the receipts from well-boring is to be expected owing to the impossibility of obtaining the necessary materials. On the other hand considerable extensions are anticipated in the sale of wheat seed and American cotton seed.

16. It will be noticed that the transfers between Imperial and Provincial show a falling off of nearly 10 lakhs as compared with the revised. This is due to the fact that this year's figures include the special non-recurring grant of 11.70 lakhs on account of wheat profits. The chief feature of the next year's grants is the inclusion of a new recurring grant of 2 lakhs for primary education. The charges of the Camel Specialist are now Imperial as has been stated and consequently the recurring grant, which included these charges, has been correspondingly reduced. A further non-recurring grant of Rs. 50,000 towards the erection of buildings for the Government training class at Sanawar has been given and also a dole for stipends to students wishing to undergo training in pottery and paper manufacture. As regards the transfers from Provincial to Imperial the only change occurs in respect of the share of Income Tax receipts and the remarks already made in reviewing the figures of the revised apply with equal force to this item also.

17. On the Expenditure side, the increase under 3—Land Revenue is due mainly to provision being made for the new Sheklupura District, for the reorganisation of district offices and for improving the pay of chaprasis and menials. The extension of the special assessing agency accounts for the additional allotment under the head 10—Income Tax. The expenditure will probably prove to be remunerative in character. Great activity prevails in the Forest Administration not only in connection with the profitable resin factory but also with the view to meeting large demands from the Indian Munitions Board. The budget under this head has accordingly been framed on generous lines and in addition to expenditure on ordinary purposes funds have been allotted for the purchase of motor lorries and for the erection of necessary buildings in the new plantations. The figures under 19-A—Law and Justice—Courts of Law admit of the revision of the process-serving establishment, the appointment of shorthand writers to the Courts of District and Sessions Judges and the introduction of the scheme for making revenue records more accessible to litigants. Under 19-B—Law and Justice—Jails the estimates have been framed on the assumption that the price of food and clothing will continue at a high level, while provision is included to meet the cost of improving the pay of the warder guard and to cover the extra establishment required for the camp jail at Khewrah and the Borstal Central Jail. A considerable part of the increase under 20—Police is due to additional demands in connection with the scheme for the reclamation of criminal tribes, while Railway requirements in the shape of extra police help to swell the total. Even so the amount is somewhat less than the sum allotted in this year's budget.

18. The very substantial increase under the head 22—Education, which will no doubt be welcomed by many, is composed of various items. Of these the most important are the Government of India grant of 2 lakhs for primary education; the inclusion of the unspent balance of the recurring Government of India grant of 1½ lakhs for the improvement of the pay and training of teachers; the grants for the erection of new buildings and the opening of new schools; an extra lakh for special building grants; and a sum set aside to assist the education of the children of soldiers who have fallen in the war.

19. The addition under 24-A—Medical includes a lakh for the opening of new dispensaries, increased assistance to the Punjab Medical School for Women, Ludbhiana and the acquisition of land required for an extension of the Punjab Lunatic Asylum.

20. Under 26-A—Agriculture the increase over the revised is almost entirely due to the provision of 5 lakhs from the wheat profits, but some expansion in co-operative work is also allowed for. The figures under 32—Miscellaneous are to the extent of half connected with the consolidated and development grants to district boards, while the balance includes $3\frac{1}{2}$ lakhs for the copying agency scheme—which it is hoped will prove remunerative—and the reserve of 5 lakhs.

21. Under the head 43—Minor Works—Public Works the reduction is due to the completion of certain projects. The sum of 7 lakhs provided under 45—Civil Works—Civil includes 4 lakhs towards colony roads, while the Public Works portion of this major head besides including the new projects for the various departments allows for the regrant of lapses amounting to $2\frac{1}{2}$ lakhs. Among the projects set down, which have not so far been mentioned, the following are of general interest:—A sum of one lakh has been allotted towards improving the communication with Murree and Kashmir and with Murree and Abbottabad. It is hoped to construct the second section of the Larji-Mandi Road in the Kangra District. Some Rs. 20,000 have been provided for roads in the Minto Park, Lahore, and a similar sum for counteracting the dust nuisance by means of tar. The buildings include residences for the Sub-Divisional Officers at Leiah and Alipur, a new Normal School at Rohtak, various hostels including the Government College Hostel at Lahore, a combined Malaria and Chemical Laboratory, a new Veterinary Hospital at Hissar and a new Police Station at Tandlianwala in the Lyallpur District.

22. Various works in progress during the present year will, it is hoped be completed during 1918-19. These include the new Normal School at Sargodha, the new buildings for Government High Schools at Multan and Hissar, boarding houses for various educational institutions including the Mayo School of Art, new Police Lines and Hospital at Amritsar, the metalled road from Fatehjang to Khaur—a work of importance in connection with the development of the oil fields—and a boat bridge between the Amritsar and Sialkot District at Ram Das.

23. If receipts come up to expectation and the full programme of expenditure can be carried out the nett result of next year's working will be to leave a provincial balance of Rs. 1,86,93,000 or Rs. 1,40,000 above the anticipated closing balance of the current year.

24. The year has seen little in the way of change in the form of accounts. A new minor head—Government Colleges—Professional—has been added under the major head Education. In the detailed estimates the operations of the Resin Factory at Jallo will henceforward be shown separately. An interesting account of the working will be found in the last issue of the Report on the Forest Administration of the Punjab. The preliminary issue of the Provincial Audit and Appropriation Report has been discontinued and the form of the Final Report has been amplified under the instructions of the Comptroller-General.

25. On the 1st April 1917 the rate of interest charged to Local Governments on the Provincial Loan Account was raised to $5\frac{1}{2}$ per cent. As this Government advances money to agriculturists under the Loans Act at $6\frac{1}{2}$ per cent. — a rate which was fixed when this Government could obtain money at $3\frac{1}{2}$ per cent. — the margin to cover all expenses and losses is now extremely small and the question of raising the interest chargeable to agriculturists had to be examined. After careful consideration, it was decided for the present not to raise the rate. In view of the comparatively heavy commitments the loss to revenue owing to the enhanced price to be paid for the use of money is by no means inconsiderable and it may be necessary on part at least of that loss to the borrowers under the Loans Acts by means of an increase in the rate of interest.

26. In view of the detailed explanations already offered on the subject it seems unnecessary to discuss at any length the scheme of consolidated grants for district boards, which introduced into the Rawalpindi Division during the last financial year, has been brought into force throughout the Province with effect from 1st April 1917. It is not claimed that the results are perfect, but it may be said with confidence that, thanks to the careful and laborious calculations made in the case of each separate district, the boards of the Punjab now enjoy not only greater elasticity in the disposal of their resources, but receive a much more equitable distribution of Government money. The development grant put at the disposal of Commissioners for distribution to district boards, for which a normal figure of Rs. 2,60,000 was taken, has been given this year and provided for in next year's budget. The consolidated grants have in all cases been fixed for a period of 5 years after the lapse of which period they will be reconsidered. A satisfactory feature of district board finance is to be found in the general raising of the local rates to its maximum in the case of those districts which had previously failed to realise their full quota. In fixing the grants the rate imposed was not overlooked.

27. A very important change was made during the year in connection with the maintenance of service books. It has been decided by the Government of India that service rolls instead of service books should be maintained for all inferior servants, and that in the case of all Government servants for whom such rolls are maintained pensions may be sanctioned by competent authority before submission of pension papers to the Audit Office, provided the pension is clearly admissible under the strict letter of the rules. The change will not only reduce clerical work but will enable pensions to be granted in the great majority of cases with a minimum of delay.

28. In connection with pensions this Government in October last issued a letter addressed to all heads of departments calling special attention to the provisions of article 470 (a) and (b) of the Civil Service Regulations, and pointing out that before the full pension admissible in any case is sanctioned, it is the duty of the sanctioning authority to satisfy itself that the service of the retiring official has been really approved, a suitable reduction being made in all cases when this condition was not fulfilled. The heads of departments addressed were asked to bring the contents of this letter clearly to the knowledge of all serving under them.

29. The question of the delegation of further financial powers to administrative departments is at present under consideration in connection with a resolution of the Government of India on the subject. Certain fundamental rules have been promulgated which define the maximum extent to which powers may be delegated without reference to the Secretary of State. It is not intended that any sweeping change of policy should thus be inaugurated; the powers conferred by the rules are to be exercised not comprehensively by a single general sanction but on a special consideration in each case of the circumstances of the particular department involved, while a change is held to be justifiable only when some real administrative convenience is thereby obtained. Each order of delegation will be subject to such supplementary restrictions as seem desirable having regard to the financial conditions. The whole question is extremely complicated and some time must elapse before orders can be passed. Meanwhile, and quite apart from the general question, the Director of Public Instruction has been given definite powers to sanction grants-in-aid up to a certain limit and subject to budget provision without reference to the Financial Department, while certain minor delegations of financial powers have also been made to Commissioners of Divisions.

30. In paragraph 29 of the Financial Memo. for last year reference was made to an experiment relating to the payment of service stamps by means of book transfer instead of in cash. The advantages of such procedure are obvious, and the experiment proved so successful that during this year sanction was obtained from the Government of India to the permanent adoption of the scheme.

Part II.
REVENUE.

I.—LAND REVENUE.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT,	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
REVENUE AND RECEIPTS—				
Ordinary revenue	3,63,95	3,63,61	3,72,57	3,75,94
Sale of Government estates ...	6,56	3,08	5,67	5,01
Sale-proceeds of waste lands and redemption of land tax.	22,79	25,89	25,14	25,45
Assessment of alienated land, less quit-rents—service communications.	1,70	1,75	1,71	1,75
Rents, etc., of fisheries	14	11	14	13
Miscellaneous	9,37	8,18	9,73	9,87
Total	4,04,51	4,02,62	4,14,96	4,18,15
Deduct—Portion of land revenue due to Irrigation transferred to "XXIX—Irrigation—Major Works."	1,19,31	1,22,00	1,21,55	1,30,50
Net total share	2,85,20	2,80,62	2,93,41	2,87,65
Deduct—Imperial share—one-half ...	1,42,60	1,40,31	1,46,71	1,43,83
Provincial share—one-half	1,42,60	1,40,31	1,46,70	1,43,82

This year Government is again in the fortunate position of finding its receipts from land revenue likely to be considerably higher than was anticipated at the time the Budget was framed last year. In February and March the prospects for the rabi were poor and in the figures which were reported to the Government of India in the beginning of March a reduction of some eight lakhs was made in the estimates on this account. Prospects, however, subsequently improved and the rains received in the early spring saved the crops in many of the low lying tracts where they had not been irretrievably damaged, with the result that the collections exceeded those of the previous indifferent rabi by $14\frac{1}{2}$ lakhs. The kharif crop this year, which at one time showed promise of being exceptionally good, was damaged in many places by the unseasonable rains in October, the Gurgaon District being the chief sufferer. The collections are now expected to fall short of those of last year's kharif by nearly six lakhs. The latter, however, were swollen by abnormal collections of arrears of suspended revenue. The large increase of the revised estimate for ordinary revenue over the budget figure is made up of Rs. 5,88,000 under fluctuating collections and Rs. 3, 8,000 under fixed. The largest contributor to this increase is Gujrat (Rs. 2,00,000) followed by Multan (Rs. 23,000), Shahpur (Rs. 36,000) and Mianwali (Rs. 29,000).

The increase of nearly $3\frac{1}{2}$ lakhs expected in 1918-19 under ordinary revenue is made up partly of fixed collections and partly of fluctuating. In the former case this is due to the favourable harvest prospects and to the progressive and enhanced assessments in certain districts and in the latter to extensions of canal irrigation.

The large increase in the revised estimate under *Sale of Government Estates* is due mainly to higher receipts amounting to nearly two lakhs from

Lyallpur, while in the estimate under *Sale Proceeds of Waste Lands*, allowance has been made for the auction of canal land in Montgomery which is to be held in March. A somewhat cautious figure has been adopted for the budget for next year as it is impossible to decide at this stage how much waste land it would be advisable to put on the market.

Under the last minor head the increases in both the revised and the budget estimates are mainly under rent of land leased for a single year or harvest and are attributed to more extensive cultivation as a result of the development of irrigation and good rains and of the efforts made to increase the area under food crops.

* IV—STAMPS.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Sale of general stamps	18,66	19,44	19,00	19,30
Sale of court-fee stamps	38,44	38,86	39,00	39,45
Sale of plain paper to be used with court-fee stamps.	82	81	82	82
Duty on impressing documents	1,46	1,46	1,50	1,50
Fines and penalties	43	42	42	42
Miscellaneous	1	1	1	1
Total	59,82	61,00	60,75	61,50
<i>Deduct</i> —Imperial share—one-half	29,91	30,50	30,38	30,75
Provincial share—one-half	29,91	30,50	30,37	30,75

* Not open to discussion.

The receipts under this head do not call for any detailed discussion. The steady growth exhibited in recent years has on the whole been fairly well maintained and allowance has been made for it in the estimates for next year.

V—EXCISE.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
License and distillery fees and duties for the sale of liquors and drugs.	66,76	68,30	73,80	78,80
Acreage on land cultivated with poppy	5	2	2	2
Transit duty on excise opium	1,53	1,00	1,50	1,50
Gain on sale-proceeds of excise opium	7,50	7,95	8,88	10,07
Fines, confiscations and miscellaneous	5	8	6	8
Total	75,87	77,35	84,26	90,47
<i>Deduct</i> —Imperial share—one-half	37,94	38,68	42,13	45,23
Provincial share—one-half	37,93	38,67	42,13	45,24

The receipts under this head have again been affected by the same causes as last year. The rabi crop, as has already been explained, turned out to be better than was anticipated, with the result that the increasing prosperity of the cultivating classes did not receive any serious check.

This, as past experience has shown, is generally reflected in the excise receipts. Under the first minor head the increase is, however, to a very large extent due to the higher consumption of malt liquors. Still-head duty also shows an increase of about 2 lakhs, while opium and its preparations contribute nearly half a lakh and other drugs a slightly larger amount. Under transit duty on excise opium the increase in the revised estimate appears to be largely due to an under-estimate, while the higher receipts expected from gain on sale-proceeds of excise opium is accounted for by rather large consumption.

The budget figure for 1918-19 has been framed after consideration of the results of the auctions of licenses which show an improvement of about 6½ lakhs as compared with last year's results. Under gain on sale proceeds of excise opium the figure has been influenced by the enhancement of the issue price from Rs. 27-8-0 a seer to Rs. 32-8-0 a seer. The enhancement of the duty on charas is also responsible for the raising of the receipts under the first minor head by about a lakh.

* VI—PROVINCIAL RATES.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Rates and cesses on land ...	32	30	34	31

* Not open to discussion.

VIII—INCOME-TAX.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Super Tax—Imperial ...	...	1,00	1,00	1,50
Income-tax ...	24,62	25,80	30,44	32,00
Deduct—Imperial share—one-half ...	12,31	12,90	15,22	16,00
Provincial share—one-half ...	12,31	12,90	15,22	16,00

† Not open to discussion.

This head continues to expand at a rapid rate which shows that the effects of the war have not been severely felt by the commercial classes in the province. A large portion of the increase must, however, be attributed to the successful efforts of the special assessing agency which has discovered a number of wealthy assesses who either paid no tax in the past at all or paid a totally inadequate one. That part of the increase, however, which depends on the increased rates introduced in the beginning of last financial year is made over to the Government of India by means of an assignment under the transfer head in accordance with their decision to appropriate the whole of the extra receipts from the new rates to the needs of the Imperial Exchequer.

IX—FOREST.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
I—Timber and other produce removed from the forests by Government agency.	6,75	7,79	8,71	14,41
II—Timber and other produce removed from the forests by consumers or purchasers.	8,02	6,56	8,23	6,19
III—Confiscated drift and waif wood ...	34	22	19	24
IV—Revenue from forests not managed by Government.	3	3	1	1
V—Miscellaneous ...	1,74	1,14	2,60	1,73
Total ...	16,88	15,74	19,74	22,58

I.—Timber, etc., removed from forests by Government Agency + Rs. 91,600.—The largest contribution (Rs. 66,000) to this increase is from Rawalpindi due partly to efforts to deal with arrear fellings (Rs. 41,000) and partly to the supply of more wood to troops at Murree and larger extraction of wood from Kalla Chita (Rs. 25,000).

II.—Timber, etc., removed from forests by purchasers + Rs. 1,67,000.—An increase of Rs. 36,320 is due to the special credit and the balance of the increase is attributed chiefly to an under-estimate of revenue in the Bashahr Division, larger sales of Chil trees and wood in the Kangra and Multan Divisions, respectively, and to better prices realized for grass on account of good rains in Lahore, Multan, Jhelum, Chenab and Rawalpindi.

V.—Miscellaneous + Rs. 1,46,000.—There are increases of Rs. 1,16,000 in the Chenab Division, chiefly on account of additional receipts from temporary cultivation leases in the Dhaffar Plantation, Rs. 20,000 in the Multan Division, due to water rate collected on behalf of the Canal Department, and Rs. 10,000 in the Jhelum Division on account of Depot rents and rafting fees.

BUDGET ESTIMATE, 1918-19.

Head (I).—The recommencement of departmental working in the Bashahr Division chiefly accounts for an increase of Rs. 4,63,700 under the detailed head *Timber* and the balance of the increase is due mainly to extensive departmental working of bamboos in the Kangra Division and to a new scheme for the supply of spruce timber to the Indian Munitions Board.

Head (II).—There is a decrease of Rs. 1,77,000 under *Timber* due mainly to the substitution of departmental works in the Bashahr Division, and the rest of the decrease is due to the revised estimate containing a special credit of Rs. 36,310 referred to in paragraph 1.

Head (V).—The decrease is said to be due mainly to the fact that the revenue of the Chenab Division in 1917-18 was inflated by additional receipts from leases of temporary cultivation in the Dhaffar Plantation.

X.—REGISTRATION.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Fees for registering documents ...	2,83	2,70	2,95	2,95
Fees for copies of registered documents ...	68	68	68	68
Miscellaneous	20	20	20	20
Total ...	3,71	3,58	3,83	3,84

The increase of Rs. 25,000 over the budget is due (1) to the large number of registrations affected in the districts of Hoshiarpur, Ferozepore, Lahore, Amritsar and Attock, and (2) to the development of the colony in Montgomery. It is difficult to say to what extent these causes will remain in operation next year and the revised estimate has been practically repeated in the budget for 1918-19.

XII.—INTEREST.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Interest on loans to municipal and other public corporations (excluding Presidency Corporations).	1,34	1,23	1,25	1,27
Interest on loans to land-holders and other notabilities.	1	1	1	1
Interest on advances to cultivators ...	1,28	1,12	1,16	1,09
Interest on advances to Co-operative Credit Societies.	10	5	8	7
Interest on miscellaneous loans and advances	4	3	5	4
Total ...	2,77	2,44	2,55	2,48

The variations between the revised estimate and the current year's budget are all comparatively small and call for no remarks. Next year owing to the fact that takavi advances have not been required during the last two years to the same extent as they were previously, the outstandings at the beginning of the year are expected to be slightly less. This accounts for the drop anticipated in the receipts for 1918-19 from interest on advances to cultivators.

* XVI-A.—LAW AND JUSTICE—COURTS OF LAW.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Sale-proceeds of unclaimed and escheated property.	24	21	22	22
Court-fees realised in cash	5	5	7	7
General fees, fines and forfeitures	5,32	5,45	5,63	5,88
Miscellaneous fees and fines	1,25	1,25	1,34	1,39
Miscellaneous	4	4	4	4
Total	6,90	7,00	7,30	7,60

* Not open to discussion.

The increases shown by the figures for the revised estimate as compared with the current year's budget are due to a number of comparatively small variations under the different detailed heads. In the budget for 1918-19 provision has been made for normal expansion.

XVI-B.—LAW AND JUSTICE—JAILS.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Jails	27	18	63	66
Jail manufactures	3,89	4,20	5,40	5,30
Total	4,16	4,38	6,03	5,96

Under *Jails* the increase is almost entirely due to higher receipts expected from the hire of convicts. Camp jails have been opened at Dhariwal and Khewra (the latter for assisting the mine authorities in increasing the output of salt) and convict labour is also being supplied to the arsenals at Ferozepore and Rawalpindi and the grass farm at Sialkot. Under *Jail Manufactures*, a sum of about Rs. 80,000 due from the Military Department last year for blankets supplied by the Montgomery Jail was not received till this year.

In framing the budget estimate under this head it has been assumed that the demand for jail labour and military supplies will continue throughout the year and that the prices of raw materials will remain at least at their present level. The slight drop as compared with the revised under *Jail Manufactures* is due to the fact that the latter is swollen by the special item just referred to.

XVII.—POLICE:

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Police supplied to Railways ...	...	...	...	...
Police supplied to public departments, private companies and persons.	1,97	1,46	1,52	99
Cash receipts under the Arms Act ...	...	1	...	1
Fees, fines and forfeitures ...	47	46	47	48
Superannuation receipts ...	2	1	2	1
Miscellaneous ...	25	24	27	27
Total ...	2,71	2,18	2,28	1,76

The variations between the revised and the current year's budget are unimportant. In next year's budget an allowance has been made for a further diminution in the number of punitive police posts.

XIX.—EDUCATION.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Fees, Government Colleges, General ...	68	70	73	75
Ditto ditto Professional ...	...	...	3	3
Fees, schools, general ...	3,53	3,75	3,80	3,88
Ditto special ...	13	15	9	10
Miscellaneous ...	58	64	58	64
Total ...	5,22	5,24	5,23	5,40

The figures under this head generally exhibit a steady expansion consequent on the progress of education. A new minor head has been introduced, namely, "Fees—Government Colleges—Professional," the receipts under which have hitherto been credited to the minor head "Fees, Schools, Special."

XX-A.—MEDICAL.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Medical School and College fees ...	22	20	26	24
Hospital receipts ...	...	...	...	...
Lunatic Asylum receipts ...	11	15	11	12
Medicines sold by Civil Surgeons ...	...	...	1	...
Contributions ...	...	...	...	...
Miscellaneous ...	6	5	6	6
Total ...	39	40	44	42

XX-B.—SANITATION.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Sale-proceeds of vaccine lymphs ...	25	23	28	30
Sale-proceeds of quinine packets ...	56	46	86	54
Sale-proceeds of articles from Plague Disinfection Depôt.	31	12	5	8
Other receipts ...	4	...	4	4
Total ...	1,16	81	1,26	96

The large increase under sale-proceeds of quinine packets is due to the fact that an extra grant of Rs. 80,000 was made late in the financial year for the purchase of quinine for distribution by local bodies. Some of the payments by these bodies will appear in this year's budget and some in next. The heavy rains in the autumn of the last two years have increased the amount of malaria and consequently the necessity for the distribution of quinine.

XXI-A.—AGRICULTURE.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Agricultural receipts ...	1,06	1,19	2,38	5,26
Veterinary receipts ...	1,44	1,22	1,42	1,48
Total ...	2,50	2,41	3,86	6,74

Under the first minor head the excess of the revised over the budget figure is made up of increases under a number of detailed heads, the most important of which are :—

	Rs.
(a) Farms ...	6,000
(b) Agricultural College (due to the expansion of the College and attached institutions) ...	7,000
(c) Well Department Receipts (due to the expansion of the boring work) ...	18,000
(d) Hissar Cattle Farm ...	24,000
(e) Sale of seed (due to an extra grant made in the beginning of the financial year for the purchase of high class wheat seed for re-sale) ...	90,000

A drop of Rs. 15,000 is expected in 1918-19 under Well Department Receipts owing to the difficulty of obtaining the necessary material on account of the war and to the fact that the services of the Agricultural Engineer have been placed at the disposal of the Military Department. A special allotment of 3 lakhs has been provided in the budget on the expenditure side for purchase

of pure wheat seed. On account of this and the more extensive operations proposed with American cotton seed the receipts from sale of seed have been estimated at 4 lakhs against Rs. 1,25,000 in the revised estimate.

XXI-B.—SCIENTIFIC AND MISCELLANEOUS DEPARTMENTS.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Examination fees	2	3	1	2
Labour and emigration ... ..	...	...	...	...
Fees for inspection of boilers	21	21	22	22
Fisheries ... ..	...	...	...	...
Miscellaneous	7	6	10	9
Central weaving receipts	1	...	1	1
Total	31	30	34	34

XXII.—RECEIPTS IN AID OF SUPERANNUATION, RETIRED, AND COMPASSIONATE ALLOWANCES.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Contributions for pensions and gratuities ...	90	80	90	90

XXIII.—STATIONERY AND PRINTING.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Stationery receipts ... ..	...	...	...	...
Sale of Gazettes and other publications ...	5	7	8	8
Other Press receipts	1,08	1,07	77	85
Total	1,13	1,14	85	93

Under Other Press Receipts the figures have been affected by a change in accounts procedure in regard to the cost of paper for printing work executed for public departments by jail presses. Previously this expenditure was shown under the corresponding head "30—Stationery and Printing" and when recovery was made from the departments concerned the receipts were shown as revenue: in future they will be taken in reduction of expenditure instead. This factor is to some slight extent counterbalanced by the rise in the cost of materials which swells the receipts.

XXV.—MISCELLANEOUS.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Unclaimed deposits ...	1,02	52	1,00	95
Sale-proceeds of Darbar presents ...	...	...	...	...
Sale of old stores and materials ...	3	2	3	3
Sales of lands and houses ...	97	11	60	50
Fees for Government audit ...	12	12	12	14
Rents ...	9	9	9	8
Miscellaneous fees, fines and forfeitures ...	26	21	23	29
Miscellaneous ...	3,00	4,38	4,51	4,38
Percentage on capital cost of furniture supplied to high officers.	1	1	1	1
Treasure Trove ...	...	...	...	...
Extraordinary items ...	...	...	...	...
Total ...	5,50	5,46	6,64	6,38

The revenue from unclaimed deposits and sales of lands and houses has as usual proved impossible to estimate accurately. The increase under the latter in the revised estimate occurs chiefly in the districts of Gujranwala, Gurgaon, Mianwali and Montgomery. The receipts resulting from the introduction of the new copying agency system are turning out to be better than was anticipated. The improvement will probably be roughly a lakh per annum, half of the amount going to swell the revenues for the current year as the system was introduced from the 1st of October 1917. The figures for the current year's budget and the revised estimate under the minor head "Miscellaneous" are swollen by a special item of 1 lakh to which reference was made in last year's memorandum.

XXIX.—IRRIGATION—MAJOR WORKS.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Direct receipts—				
In charge of Civil Officers (owner's rate)	8	3	7	6
Imperial share—one-half ...	4	2	4	3
Provincial share—one-half ...	4	1	3	3
Direct receipts—				
In charge of Public Works Officers ...	2,77,08	2,71,00	2,72,00	2,81,50
Imperial share—one-half ...	1,38,54	1,35,50	1,36,00	1,40,75
Provincial share—one-half ...	1,38,54	1,35,50	1,36,00	1,40,75
Indirect receipts—				
Portion of Land Revenue due to Irrigation (transferred from I—Land Revenue).	1,19,31	1,22,00	1,21,55	1,30,50
Imperial share—one-half ...	59,65	61,00	60,77	65,25
Provincial share—one half ...	59,66	61,00	60,78	65,25

The receipts under this head during the current year are expected to work out pretty much as was anticipated at the time the budget was framed. The revised estimate provides for approximately a drop of 3½ lakhs on the rabi collections and 1½ lakhs on the kharif, as compared with the actuals for 1916-17 which was rather an exceptional year. In the budget estimate for 1918-19 allowance has been made for the continued expansion of irrigation in the canal colonies. Owing to the late and plentiful rains last autumn the irrigated rabi area is reported to be less than was at first expected, but it will almost certainly be considerably increased by the holding off of the winter rains. The increase under Indirect Receipts is ascribed to the higher credits expected next year on the triple canals, but the whole question of the method of calculation of the amounts thus transferred annually from the Land Revenue head is under consideration.

XXX—IRRIGATION—MINOR WORKS AND NAVIGATION.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
In charge of Civil Officers ...	25	46	19	18
In charge of Public Officers ...	39	50	1,05	85

The budget estimate for the current year for receipts from *Works in Charge of Civil Officers* included the revenue from the Kitchin-Irving Canals. It has been decided, however, to credit this revenue to the other minor head, which accounts for the decrease in the revised estimate for 1917-18 and in next year's budget. The figures under *Works in Charge of Public Works Officers* are also swollen by unexpectedly large receipts from the Dane dam and canal, the reservoir of which is said to be fuller this year than it has ever been.

XXXI—CIVIL WORKS.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
In charge of Civil Officers ...	1,81	1,75	1,57	1,52
In charge of Public Works Officers ...	2,41	2,10	2,32	2,25

The difference between the revised estimate and that of the current year's budget under *Works in Charge of Civil Officers* is entirely due to the falling off of ferry receipts. In the Dera Ghazi Khan District the income from minor ferries has been placed at the disposal of the District Board, while the steam ferry only worked for a month-and-a-half and was then required by the Military Department.

The receipts from *Works in Charge of Public Works Officers* mainly consist of rents and sale-proceeds of tools and plant, old materials, etc. The latter always introduce an element of uncertainty.

TRANSFERS BETWEEN IMPERIAL AND PROVINCIAL.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
(Details in Appendix A to Financial Statement.)	87,48	43,52	44,61	34,77

The increase in the revised estimate figure over that of the current year's budget is due to a number of variations. In the first place the sale-proceeds of sites in the colony towns are now expected to be higher and the

assignment on this account from Imperial to Provincial revenues will be about half a lakh better. The grant of Rs. 30,000 for the maintenance and equipment of the science laboratory of the Islamia College, Lahore, has now been made permanent and has therefore been included in the revised estimate. An extra lakh has been allotted to this Government out of the profits of the wheat scheme and grants of Rs. 50,000 towards the construction of buildings for the Government Training Class at Sanawar and Rs. 40,000 towards the Bemloe Estate Sewage Scheme, Simla, have also been made. These have to some extent been counterbalanced by an increase in the amount payable to the Government of India on account of the provincial share of the enhanced receipts arising from the new rates of income-tax.

The considerable fall in the budget figure is due to the absence of the large assignment from the profits of the wheat scheme which swelled this year's figure. Another Rs. 50,000 has been included for the grant for the training class at Sanawar and provision has been made for the new Imperial assignment of two lakhs for primary education recently announced in the Legislative Council.

EXPENDITURE.

1—REFUNDS AND DRAWBACKS.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Revenue refunds—Provincial	1,07	92	1,23	96

Land revenue refunds are expected to be Rs. 57,000 higher than the budget figure owing to a refund of Rs. 36,321 made to the Forest Department on account of forest growth on certain lands on the Upper Chenab Colony and to another large item of Rs. 21,383 in connection with the sale of certain colony lands in the Montgomery District.

The estimate for 1918-19 provides for a certain amount of expansion in income-tax refunds consequent on the working of the new Act and the general increase in the receipts.

*2—ASSIGNMENTS AND COMPENSATIONS.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Assignments and Compensations—Provincial	35	39	35	37

*Not open to discussion.

3—LAND REVENUE.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Charges of district administration	24,13	24,91	23,68	23,06
Survey and settlement	6,84	9,20	8,22	10,49
Land records and registration	16,20	16,79	16,07	16,77
Allowance to district and village officers	5	10	10	10
Management of Government estates	5	4	3	3
Total	47,29	51,13	48,10	55,45

The difference between the revised and budget estimates for the current year under charges of district administration is chiefly due to decreases under the two following sub-heads :—

	Rs.
(a) General establishment	74,900
(b) Sub-divisional establishment	38,100

Under (a) the decrease falls to the extent of Rs. 14,300 under Salaries, due principally to the reduction in the rate of exchange compensation allowance, and Rs. 29,500 under Contingencies. The latter decrease is to some extent the result of the orders of Government enjoining strict economy during the war. Savings in the sanctioned budget have also occurred owing to the postponement of the scheme for the new district of Sheikhpura. Under (b) the savings are chiefly under leave allowances of Tahsildars and Naib-Tahsildars and grain compensation allowance.

In next year's budget provision has been made *inter alia* for the following new schemes which have for the present been shown under this minor head :—

	Rs.
(1) Re-organization of district office establishments	1,00,000
(2) Establishment and contingencies for the new Sheikhpura District	1,33,000
(3) Increase in the pay of chaprasis and low-paid menials	1,00,000

The balance of the increase over the revised estimate is chiefly due to the provision made for the compensation for dearness of provisions.

Under *Survey and Settlement* savings are anticipated to the extent of nearly Rs. 45,000 under Professional Survey Parties owing to the estimate for the cost of Sind Sagar Survey this year proving excessive. Other savings are also expected under compensation for dearness of provisions in the Jullundur and Multan Settlements.

For 1918-19 about two lakhs have been provided for the Sind Sagar Survey, Rs. 12,500 for the Sirsa Settlement and Rs. 25,000 for that in Montgomery.

Under Land Records savings are expected in the provision for grain compensation allowance this year.

6—STAMPS.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Superintendence	28	26	32	41
Charges for the sale of general stamps	74	72	74	75
Charges on sale of court-fee stamps	28	28	28	29
Discount on plain paper	5	7	5	5
Stamp paper supplied from Central Stores	42	44	51	53
Total	1,77	1,77	1,90	2,03
<i>Deduct</i> —Imperial share—one-half	89	88	95	1,01
Provincial share—one-half	88	89	95	1,02

The increase in the revised estimate under Superintendence is mainly due to higher expenditure on contingencies owing to the more extensive sale of stamps. Under Stamp paper supplied from Central Stores the figures suggested by the Stamp Officers at Karachi and Calcutta have been entered.

In the budget for 1918-19 a small reserve has been provided to meet unforeseen expenditure under divided heads. This has been placed under the minor head "Superintendence."

7—EXCISE.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
District Executive Establishment ...	1,97	2,24	2,06	2,24
Distilleries ...	35	34	36	36
Total ...	2,32	2,58	2,42	2,60
<i>Deduct</i> —Imperial share—one-half ...	1,16	1,29	1,21	1,30
Provincial share—one-half ...	1,16	1,29	1,21	1,30

During the current year savings are anticipated in the provision for rewards and for the opium detective establishment.

10—INCOME-TAX.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Collection of Income-tax ...	27	29	31	32
<i>Deduct</i> —Imperial share—one-half ...	14	15	16	16
Provincial share—one-half ...	13	14	15	16

The special assessing agency which was at first started more or less experimentally has proved its utility beyond doubt and it has been decided to expand it considerably next year and provision has been made in the budget accordingly.

11—FOREST.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
A—Conservancy and Works—				
I—Timber and other produce removed from the forests by Government agency.	2,47	3,14	3,38	6,80
II—Timber and other produce removed from the forests by consumers or purchasers.	6	6	6	6
III—Confiscated drift and waif wood ...	9	10	11	9
IV—Revenue from forests not managed by Government.	...	...	...	...
V—Rent of leased forests and payments to shareholders in forests managed by Government.	53	52	30	30
VI—Live and dead stock ...	19	47	27	52
VII—Communications and buildings ...	44	56	65	82
VIII—Demarcation, improvement and extension of forests.	94	1,25	1,28	1,25
IX—Miscellaneous ...	7	15	30	65
Total Conservancy and Works ...	4,79	6,25	6,44	10,49
B—Establishment—				
I—Salaries ...	1,25	1,49	1,20	1,58
II—Establishments ...	2,10	2,27	2,15	2,30
III—Allowances ...	85	92	82	89
IV—Contingencies ...	36	41	38	46
Total establishment ...	4,56	5,09	4,55	5,23
Total ...	9,35	11,34	10,99	15,72

Under the head A-I, the revised estimate allows for only a comparatively small increase as compared with the current year's budget, but more recent information goes to show that the expenditure will be considerably higher. It is due partly to additional expenditure necessary for starting departmental extraction of timber in the Bashahr Division and for larger extraction of timber to meet the demands of the Military Department in the Rawalpindi Division. Rs. 30,000 have also been sanctioned for a scheme for supplying spruce timber to the Indian Munitions Board. The decrease under head A-V is due to the grant-in-aid to the Bashahr State out of the forest surplus being now debited to the head "32—Miscellaneous." The Forest Department have again been disappointed in their efforts to obtain a tramway for the Changa Manga plantation. The consequent saving under the head A-VI has been to a certain extent counterbalanced by increased expenditure amounting to about Rs. 12,000 on account of the purchase of additional stores for the Jallo Resin Factory. The increase under the last 'A' head is due to the payment to the Irrigation Department of the water rate collected on their behalf in the Multan Division. Under Establishment, the savings anticipated this year are mainly due to a number of officers being absent on deputation and leave and to certain appointments remaining unfilled.

Next year the departmental workings in Bashahr are expected to continue, while there is every reason to anticipate a further expansion of the work carried out by the department for the Indian Munitions Board and the Military authorities. Provision has also been made for the purchase and maintenance of two motor lorries for transport of forest produce in the Rawalpindi Division, while a Forest Rest House and Forest Rangers' Quarters will have to be built in the Dhaffar plantation in the Chenab Division. Under B—Establishment, Rs. 30,000 have been included for the Additional Conservator of Forests and his establishment, and the provision for grain compensation allowance is slightly higher than the amount expected to be incurred this year.

12—REGISTRATION.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
District charges ...	1,24	1,30	1,25	1,30

*13—INTEREST ON ORDINARY DEBT.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Interest on Provincial Advance and Loan Account.	1,94	2,05	1,95	2,04

*Not open to discussion.

The decrease in the revised estimate as compared with the current year's budget is chiefly due to the fact that larger recoveries of arrears of takavi were made towards the end of last year owing to the good *khari* crop and that the full amount placed at the disposal of the Financial Commissioners for takavi loans was not required.

18—GENERAL ADMINISTRATION.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Salary of the Lieutenant-Governor ...	96	96	96	96
Sumptuary allowance ...	6	6	6	6
Staff and household expenses of the Lieutenant-Governor.	56	61	56	70
Expenditure from contract allowance ...	15	18	18	18
Tour expenses ...	43	50	40	50
Legislative Council ...	11	7	9	9
Civil Secretariat ...	3,30	3,88	3,58	4,02
Financial Commissioners ...	2,43	2,46	2,31	2,30
Commissioners ...	3,06	3,00	3,10	3,06
Civil office of account and audit ...	93	94	97	1,00
Total ...	12,49	12,96	12,21	12,87

Under most of the minor heads the figures do not call for any detailed discussion. Under Civil Secretariat, the decrease is mainly due to the cost of the Deputy Commissioner, Criminal Tribes, and his establishment, being debited to the head 20—Police after the scheme for reclamation of criminal tribes had been sanctioned by the Secretary of State. Under Financial Commissioners, the savings anticipated are chiefly under salaries.

The higher provision made next year under Staff and Household Expenses of the Lieutenant-Governor occurs mainly under furniture allowance. Provision has also been made for the reorganization of the clerical establishment of the Civil Secretariat.

19-A—LAW AND JUSTICE—COURTS OF LAW.

(Figures in thousands of rupee.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Chief Court	4,84	5,02	4,82	5,12
Law Officers	3,10	3,13	3,27	3,18
Administrator-General and Official Trustee	3	2	2	2
Civil and Sessions Courts	17,28	18,08	16,72	18,23
Courts of Small Causes	46	51	53	52
Criminal Courts	18,23	19,18	18,49	19,07
Refunds	1,01	80	1,00	1,00
Total	44,95	46,74	44,85	47,14

The savings expected in the budget grant for the *Chief Court* this year occur to the extent of Rs. 13,000 under Salaries and Rs. 7,000 under Contingencies. Under *Law Officers* the increase is due to the privilege leave allowances and the increment of Mr. S. W. Gracey, while higher expenditure has also been incurred on the conduction of Government suits and section-writing. The large savings under Civil and Sessions Courts occur under several detailed heads, the more important of which are the following :—

Rs.

- | | |
|--|--------|
| (1) Salaries of District and Sessions Judges (due partly to the reduction in the rate of exchange compensation allowance and partly to the non-utilisation of the provision for leave allowances) | 14,600 |
| (2) Subordinate Judges | 40,000 |
| (3) Compensation for dearness of food | 15,000 |
| (4) Travelling allowances | 11,500 |
| (5) Contingencies | 19,000 |
| (6) Process-serving establishment (owing chiefly to a change in classification) | 28,000 |

Under Criminal Courts the savings occur chiefly under salaries (Rs. 14,000) due to the reduction in the rate of exchange compensation allowance, compensation for dearness of food (Rs. 8,000) and contingencies (Rs. 27,000). Under the latter the most important items are "Diet and Road money to Witnesses" and "Section Writing."

Next year's budget provision contains nearly Rs. 13,000 for the revision of the Chief Court Establishment. Under Civil and Sessions Courts provision has been made for appointing shorthand writers in District and Sessions Judge's Courts, for the revision of the process serving establishment and for a scheme for making the contents of the revenue records more readily accessible to litigants. It has also been necessary to provide for a temporary Additional District and Sessions Judge for liquidation work. Under *Criminal Courts* the increase occurs mainly under Salaries, Contingencies and Compensation for dearness of food, under all of which heads the figures in the Revised estimate are unexpectedly low.

19-B—LAW AND JUSTICE—JAILS.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Jails	15,29	17,05	15,25	16,68
Jail manufactures	2,32	2,41	3,89	3,76
Refunds ... ..	...	...	...	...
Total	17,61	19,46	19,14	20,44

The jail population this year has been considerably lower than it was last year and is also lower than was anticipated at the time the budget was framed. This is mainly due to the transfer of convicts to Mesopotamia to form labour corps. Large savings are accordingly anticipated under Dietary Charges and also under Sick Diet. On the other hand, the expenditure on Contingencies will be higher owing to the fact that the cost of petty construction and repairs will, with effect from the current financial year, be debited to this major head instead of to "45—Civil Works." Higher expenditure has also been incurred on clothing and bedding of prisoners in consequence of the increase in the prices of woollen and cotton yarns, while camp jails have also been opened at Dhariwal and Khewra. The large increase under Jail Manufactures in the revised estimate is due to considerable extension of the work undertaken for the Military authorities.

In next year's budget provision has been made for the increase of pay to the Warder-Guard recently sanctioned and also for the extra establishments of the Khewra Camp Jail and the Lahore Borstal Central Jail. The increase as compared with the revised estimate is also accounted for to a large extent by the necessity of making higher provision for Dietary Charges owing to the increase in the price of food-grains.

20—POLICE.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Superintendence	1,91	1,88	1,85	1,85
District executive force	54,21	58,59	55,07	57,95
Special police -	1,32	1,34	1,27	1,35
Railway police	4,10	5,18	4,65	5,03
Criminal Investigation Department	2,77	2,88	2,85	3,05
Cattle-pounds	12	17	12	16
Miscellaneous	8	9	8	9
Refunds	1	1	1	1
Total	64,52	70,14	65,90	69,49

As was the case last year it has been possible to affect very considerable economies under this head owing to the continued tranquillity of the province. Moreover, over a lakh of rupees has been saved by the fact that the range of prices did not necessitate the granting of grain compensation allowance till November. Other decreases are :—

District Executive Force.

	Rs.
Salaries	50,000
Police Force	71,000
Travelling & Conveyance allowance	54,000
Contingencies	41,000
Punitive Police	20,000
Reclamation of criminal tribes	35,000

Under Railway Police considerable savings are also expected owing to the postponement of the scheme for providing extra police for the Delhi Main and Sabzi Mandi Railway Stations.

In next year's budget provision for grain compensation allowance has been made at the same rate as was adopted for the current year's estimates. It has also been necessary to provide for the re-organization of the Criminal Investigation Department and for certain extra railway police, while contingencies are also expected to be higher owing to the increase in prices. The figure under District Executive Force is also swollen by a provision of Rs. 2,50,000 for the reclamation of criminal tribes as compared with the revised estimate of Rs. 1,45,000.

22—EDUCATION.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
University	88	88	88	88
Direction	79	79	75	74
Inspection	3,29	3,49	3,42	3,55
Government colleges, general	1,79	1,82	1,82	1,90
Government colleges, professional ... ..	...	...	1,03	1,06
Government schools, general	22,57	23,28	23,09	24,02
Government schools, special	4,18	6,13	8,30	6,68
Grants-in-aid	7,43	8,24	8,36	13,81
Scholarships	1,54	1,32	1,64	1,65
Miscellaneous	31	36	32	48
Refunds ... ..	...	1	...	...
Total	42,73	46,32	44,61	54,77

A new minor head "Government Colleges—Professional" has been opened under "22—Education." The expenditure on these professional colleges was previously debited to the head Government Schools—Special. This change in classification accounts for part of the drop in the revised estimate under the latter head. A number of other comparatively small savings are also anticipated under various detailed heads, while the lump provision for improvement of pay and training of teachers amounting to 1½ lakhs will not be utilised to any considerable extent this year for meeting charges debitable to this minor head. The fall in the revised estimate under Government Schools—General is the result of a number of variations. The savings under payments in support of Municipal or Local Schools, Military Asylum, Sanawar, and Aitchison College, Lahore, have been partly counterbalanced by an increase in the charges in connection with the Lawrence School, Murree, due to expansion and the rise in prices. Under Scholarships the increase in the revised is due to an underestimate in the budget for the current year.

As regards the figures for next year's budget the increase under Inspection occurs partly under Salaries and partly under Allowances. Under Government Schools—General Rs. 20,000 has been entered for providing special facilities for the education of the orphans of soldiers who have fallen in the war. Higher provision has also been made under Secondary Schools for Boys and Girls. Payments in support of Municipal or Local Schools and the Military Asylum, Sanawar, while the expenditure on the Lawrence School, Murree, is expected to be slightly less. Rs. 15,000 have been provided for the equipment of new Government educational buildings. Under Government Schools—Special. Rs. 3,10,000 have been provided for expenditure from the Government of India assignment for the improvement of pay and training of teachers. Higher expenditure has also been allowed for under the other detailed heads subordinate to this minor head. Under Grants-in-Aid a special provision of Rs. 1,00,000 (non-recurring) has been entered for grants to Local Bodies for

the erection of school buildings, while another lakh (recurring) has been provided for grants to Local Bodies for opening new schools. A lump sum of 2 lakhs has been added for expenditure from the special Government of India assignment for primary education recently announced. The usual budget provision for building grants has also been raised by one lakh as compared with the revised estimate and the current year's budget. Other increases are under Grants to Aided Schools and to Local Bodies for Vernacular and Secondary education and under Miscellaneous grants. Under "Miscellaneous" increased provision has been made for presents to schools by the Lieutenant-Governor and other Government officers on their visits and for fees to examiners.

24-A—MEDICAL.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.				Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Medical establishment	...	...	3,50	3,68	3,46	3,62
Hospitals and dispensaries	...	...	1,35	3,94	2,13	3,60
Grants for medical purposes	...	...	5	5	5	5
Medical school and college	...	...	2,45	2,66	2,60	3,35
Lunatic asylums	...	...	61	65	60	88
X-Ray Institute	...	...	...	...	...	...
Chemical Examiner	...	...	8	7	7	7
Refunds	...	...	...	...	...	...
Total				8,04	11,65	8,90	11,57

Under Medical Establishment the savings are expected to occur almost entirely under Salaries owing to more officers than was anticipated being on military duty and to the fact that the six appointments of Medical Inspectors of Schools are at present vacant. Under Hospitals and Dispensaries the lump grant of Rs. 1,00,000 for the King Edward Memorial Scheme for which provision had been made in the current year's budget was not required, while savings to the extent of Rs. 76,000 are expected in the lump provision for the extension of the Mayo and Albert Hospital, Lahore.

In next year's budget a special provision of Rs. 1,00,000 has been entered instead of the usual sum of Rs. 20,000 as a grant-in-aid for the establishment of new dispensaries. Grants aggregating nearly Rs. 70,000 have also been sanctioned for the Punjab Medical School for Women, Ludhiana, subject to certain conditions. These grants are shown under the minor head Medical School and College under which Rs. 7,308 have also been provided for the establishment and contingent charges connected with the Bacteriological Laboratory at Lahore. The increase under Lunatic Asylum is due to an allotment of Rs. 23,548 for the purchase of land for the asylum at Lahore.

24-B—SANITATION.
(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Sanitation and Vaccination Establishment...	62	62	65	64
Grants for sanitary purposes ...	5,43	4,20	5,60	4,21
Expenses in connection with bubonic plague, malaria and epidemics.	1,59	2,60	2,20	3,08
Bacteriological laboratories and Pasteur Vaccino Institutes.	25	25	25	25
Refunds ...	...	...	...	...
Total ...	8,29	7,67	8,70	8,18

A grant of Rs. 40,000 from the Imperial assignment for that purpose was made to the Simla Municipal Committee in connection with the Bemloe Estate Sewage Scheme. The revised estimate under the head Grants for Sanitary Purposes has been further swelled by the fact that an extra lakh was placed at the disposal of the Sanitary Board late in the financial year. Under the next head large savings are anticipated out of the allotment for expenses in connection with Bubonic Plague. Purchase of quinine, however, is expected to be Rs. 75,000 higher owing to the outbreak of malaria in the autumn.

In next year's budget the usual Rs. 4,00,000 has been provided for grants from the Sanitary Board. The provision made for plague measures is slightly lower than in the current year's budget, but nearly Rs. 1,00,000 higher than the revised estimate, to allow for the possibility of having to cope with a serious outbreak. Purchase of quinine has been put at Rs. 25,000 below the revised as the present year has been quite abnormal. Higher provision to the extent of Rs. 12,000 has been made under Malaria Investigation, due partly to the proposed extension of the system of malaria itinerating dispensaries.

26-A—AGRICULTURE.
(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Agriculture ...	5,76	17,29	7,32	12,13
Veterinary charges ...	5,86	6,24	5,11	5,37
Co-operative credit ...	79	92	96	1,04
Total ...	12,41	24,45	13,39	18,54

Under the minor head Agriculture a sum of Rs. 10,70,000 had been provided from the Government of India assignment from the profits of the wheat scheme. The expenditure against this allotment has for the most part been recorded under other heads, but it is expected to spend Rs. 50,000 on the extension of experimental farms this year. Other variations between the revised and the current year's budget estimate are as follows:—

- (1) Punjab Agricultural College (— Rs. 34,000) due to the lump provision of Rs. 25,840 for machinery and establishment for the new workshop at Lyallpur not being utilized this year and to savings under Salaries and Contingencies.
- (2) Agricultural Experiments (+ Rs. 53,000). A saving of about Rs. 14,000 is expected under Agricultural Assistants, while the purchases of wheat and cotton seed for re-sale are expected to amount to Rs. 1,35,000 against Rs. 35,000 in the budget. A saving of Rs. 50,000 under Purchase of Well Boring Machinery is due to the difficulty in obtaining the necessary plant.

Under Veterinary Charges an excess of Rs. 50,000 is expected under purchase of serum. This is counterbalanced by savings under Salaries, due to a smaller number of officers than allowed for in the budget being attached to the department, and under Veterinary Assistants, Breeding Operations and Camel Specialist. In the latter case the savings are due to the transfer of the office of the Camel Specialist at Sohawa to the control of the Military Department. About Rs. 56,000 which was provided in the budget under this minor head for grants for veterinary purposes to District Boards will now be shown under the head "32—Miscellaneous" in consequence of the new scheme for consolidated grants-in-aid.

Next year five lakhs have been provided for expenditure from the profits of the wheat scheme. Of this three lakhs will probably be spent on the purchase of seed for re-sale at harvest time. Half a lakh has been allotted for the scheme for reclamation of lands in the Lower Bari Doab Canal Colony. On the other hand the activities of the well-boring establishment will be considerably curtailed owing to the great difficulty of obtaining material and the fact that the Agricultural Engineer has proceeded on military duty. Under Punjab Agricultural College allowance has been made for the extra Assistant Professors, Demonstrators and other establishment recently sanctioned. The increase under Veterinary Charges is distributed over a number of different heads, the largest items being about Rs. 20,000 under Breeding Operations and Rs. 8,000 under Superintendence. The former is due mainly to higher expenditure on the Hissar Cattle Farm. On the other hand no provision has been made on account of the Camel Specialist. Under Co-operative Credit the increase is due to the larger establishment which will be employed next year.

26-B—SCIENTIFIC AND MISCELLANEOUS DEPARTMENTS.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Provincial museums	9	10	9	10
Imperial Institute ... ..	...	...	...	...
Donation to Scientific Societies ... ..	...	...	1	1
Examinations	4	5	5	4
Gazetteers and statistical memoirs	2	2	3	2
Provincial statistics	9	9	9	12
Preservation and translation of ancient manuscripts ... ..	...	...	...	...
Inspector of Factories	13	14	10	2
Registrar, Joint Stock Companies	27	31	32	35
Steam Boilers Inspection establishment	13	15	17	17
Fisheries Department	21	30	19	28
Grants for Industrial Settlements	13	2	4	2
Encouragement of Industries	23	46	25	44
Miscellaneous	14	11	11	2
Refunds ... ..	...	...	...	...
Total	1,48	1,75	1,55	1,57

The majority of the variations under this head are unimportant. The savings expected in the Fisheries Department budget this year occur partly under Contingencies and partly under Salaries and Allowances, and in the latter case are mainly due to the absence of the Warden for two months on military training. The lack of suitable schemes has again proved a difficulty in the way of utilising the full grant for the encouragement of industries, while the decrease in next year's budget estimate under Miscellaneous is due to this year's figure being swollen by a special grant of Rs. 11,000 to the Punjab Games Association.

29.—SUPERANNUATION ALLOWANCES AND PENSIONS.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Commuted value of pensions ...	92	1,35	1,50	1,60
Superannuation and retired allowance ...	22,62	24,50	23,50	24,75
Compassionate allowances ...	41	44	41	45
Gratuities ...	26	33	34	34
Pensions for distinguished and meritorious services.	4	5	4	5
Refunds ...	...	1	1	1
Total ...	24,25	26,68	25,80	27,20

The increase both in the revised and the budget figures under the minor head Commuted Value of Pensions is due to the fact that a number of pensioners have applied for commutation with a view to investing the proceeds in the War Loan. This of course slightly reduces the amount of the recurring charges. The estimate under Superannuation and Retired Allowance for the current year appears, however, to have been perhaps unduly liberal. For next year allowance has been made for normal expansion.

30.—STATIONERY AND PRINTING.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Stationery purchased in the country ...	1,22	1,24	1,24	1,25
Government Presses ...	2,60	3,14	2,60	2,63
Printing at private presses ...	30	38	29	34
Lithography ...	55	98	55	71
Stationery supplied from Central Stores ...	2,36	2,73	3,09	3,22
Refunds ...	...	...	...	...
Total ...	7,03	8,47	7,77	8,15

Under the head Government Presses the savings indicated by the revised estimate are largely apparent and are due to the introduction of a new system of accounting by which the cost of paper not manufactured at the jails and used for the work done by jail presses for other departments is being adjusted in the accounts by reduction of expenditure under Jail Presses and not shown as a receipt under "XXIII—Stationery and Printing." The other expenditure under Jail Presses is expected to exceed the budget allotment and that under Secretariat Press will probably be less. The saving anticipated under the head Printing at Private Presses is the result of several small differences among detailed heads and is probably due to the efforts of different departments to economise. Under Lithography the decrease is due partly to an over-estimate and partly to economy.

The work of most Government offices has increased to some extent by the war. This and the considerable rise in the cost of the better qualities of paper account for the increase in the revised estimate and in the budget for 1918-19 under Stationery supplied from Central Stores.

32.—MISCELLANEOUS.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18:	Budget, 1918-19.
Rents, Rates and Taxes	3	3	4	3
Rewards for proficiency in Oriental languages and allowances to Language Examination Committees.	20	10	10	10
Donations for charitable purposes ..	4	4	3	15
Charges on account of European vagrants...	3	5	3	3
Rewards for destruction of wild animals ...	3	6	3	3
Petty establishment	2,86	3,57	3,21	3,93
Irrecoverable temporary loans written off ...	1	1	1	...
Miscellaneous charges for treatment of patients at Pasteur Institute, Kasauli.	16	15	15	15
Contributions	1,61	2,42	10,60	10,52
Miscellaneous and unforeseen charges ...	22	5,20	45	5,83
Miscellaneous refunds	7	10	10	10
Annual stipends to holders of literary titles	1	1	1	1
Books and Periodicals ... ..	...	1	...	1
Total	5,27	11,75	14,76	20,94

In framing the estimates for the current year allowance was made for the introduction of the new copying agency scheme from April 1st, but it was not actually started till October 1st, with the result that savings under the head Petty Establishment will accrue. Both the receipts and the expenditure in connection with the scheme will probably be higher than was at first anticipated and allowance has been made for this in next year's budget.

Under *Contribution* the increase is due to the introduction of the new scheme of consolidated grants to District Boards which will in future be debited to this head instead of to various other major heads. Next year's budget contains Rs. 7,74,400 for these consolidated grants and Rs. 2,60,000 for development grants.

Under *Miscellaneous and Unforeseen Charges* the expenditure against the Local Government's reserve of Rs. 5,00,000 has as usual been incurred for the most part under other major heads. The revised estimate includes Rs. 20,600 for a grant to the Bashahr State in connection with the arrangements for the leased forests which was previously debited to the head "11—Forests." Rather higher expenditure is also expected on account of internments of British subjects. Next year's figure under this head includes the usual Rs. 5,00,000 reserve and also a sum of Rs. 30,500 for the regrant of savings in contract grants. The provision of this amount under this head is really only a question of accounts as lump deductions under other major heads have been made for probable savings out of the contract grants.

33.—FAMINE RELIEF.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Famine Relief	12,51	7,40	50	6,00
Imperial share—three-fourths from 1917-18	6,95	5,55	37	4,50
Provincial share—one-fourth from 1917-18	5,56	1,85	13	1,50

The rains in the early spring of 1917 removed the danger which at one time existed of the occurrence of considerable scarcity of fodder with the result that railway concessions for fodder consignments have so far only been sanctioned in the case of the Attock District. The expenditure under this head is therefore not expected to exceed Rs. 30,000, of which the provincial share is one-fourth.

It is of course quite impossible at this stage to foresee the requirements for next year under this head, but if the winter rains continue to hold off it is feared that fodder will be scarce in most districts until after the break of the monsoon. Rs. 6,00,000 have therefore been provided.

36.—REDUCTION OR AVOIDANCE OF DEBT.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Reduction or Avoidance of Debt ...	1,40	...	...	...

As explained in last year's memorandum the change in the method of accounting for expenditure on famine relief has rendered this head unnecessary.

42—IRRIGATION—MAJOR WORKS.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
Working expenses—In charge of Civil Officers—				
Owner's rate refunds	2	...	...	...
Imperial share one-half	1	...	...	...
Provincial share one-half	1	...	...	...
Working expenses—In charge of Public Works Officers.	1,03,45	1,00,96	1,05,10	1,06,55
Imperial share one-half	51,72	50,48	52,55	53,28
Provincial share one-half	51,73	50,48	52,55	53,27
Interest on debt—	70,04	75,25	71,18	72,14
Imperial share one-half	35,02	37,63	35,59	36,07
Provincial share one-half	35,02	37,62	35,59	36,07

*Not open to discussion.

Under the head Working Expenses in charge of Public Works Officers the expenditure on extensions will be less than the budget allotment, but on the other hand owing to the heavy rains in the autumn about 4 lakhs more will be spent on repairs. Under Establishment, too, there is an increase of about 3 lakhs which is due partly to the closing of the project estimate of the triple canals which has thrown additional charges on this major head and partly to a revision of the system of calculating establishment charges whereby only 21½ per cent. of such charges are allocated to Capital Outlay instead of 78½ per cent. as heretofore. The rate of interest payable by the Local Government which has been communicated by the Comptroller-General for the purposes of the administrative accounts of 1916-17 has been adopted for the revised estimate under the head Interest on Debt and also for next year's budget. This figure is somewhat lower than the rate which was assumed at the time the current year's estimate was framed.

Next year's estimate provides for an increase over the revised of about 2 lakhs under Extensions and Improvements and a decrease of 5 lakhs under Maintenance and Repairs. Establishment, however, is expected to be nearly 2 lakhs higher owing to smaller outlay being anticipated under the head "49—Capital" which will automatically increase charges under this head. Higher expenditure is also being allowed for under Grain Compensation Allowance. Under Interest on Debt the increase is due to normal expansion.

43.—IRRIGATION—MINOR WORKS AND NAVIGATION.

(Figures in thousands of rupees.)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised 1917-18.	Budget, 1918-19.
In charge of Civil Officers	67	78	44	45
In charge of Public Works	1,97	2,77	2,59	1,50

The expenditure on the Kitchin-Irving canal in Montgomery which is expected to amount to about Rs. 27,000 this year has been transferred from the first of the two minor heads above to the second. There are also savings under the former head of about Rs. 7,000 due to the grants-in-aid to the Hissar District Board for the Rangoi Canal and to Gurgaon for the cost of an engineer having been absorbed in the new consolidated grants. The savings under the minor head in charge of Public Works Officers occur mainly under Works and Repairs.

No provision has been made in the estimate for 1918-19 for the Project Division, Sirhind Canal, and for surveys in connection with the Thal projects as these works are expected to be completed during the current year.

45—CIVIL WORKS.

(Figures in thousands of rupees)

HEADS OF ACCOUNT.	Actuals, 1916-17.	Budget, 1917-18.	Revised, 1917-18.	Budget, 1918-19.
In charge of Civil Officers	11.15	12.72	4.92	7.10
In charge of Public Works Officers	38.65	54.58	49.80	67.99

Under the first minor head a saving of about 7 lakhs will occur owing to the expenditure on contributions to District Boards being recorded this year under the head "32—Miscellaneous" as has already been explained. Other expected savings are Rs. 15,000 under Petty Construction and Repairs, Rs. 7,000 under Pay of Menials and Rs. 33,000 from the allotment for payments to the Rana of Koti. As regards the minor head In charge of Public Works Officers the exact position has been somewhat difficult to estimate. On the one hand it was necessary a few months ago to place additional funds at the disposal of the department for repairing the damage done by the earthquake at Dharamsala and later for extra expenditure on repairs necessitated by the heavy rains. Subsequently, however, the great difficulty experienced in booking building materials by rail and obtaining rolled steel beams, etc., points to large lapses occurring from this year's allotments. This accounts for the decrease in the revised estimate as compared with the current year's budget.

In next year's budget 4 lakhs have been provided for colony roads. Provision has again been made for the payments due to the Rana of Koti which next year will amount to nearly Rs. 46,000. Other items for which provision has been made are:—

	Rs.
(1) Grant-in-aid to Chuharkana notified area for certain works	8,000
(2) Grants to new municipalities and notified areas in the colonies and for expenditure in other colony towns	1,00,000
(3) Payment to the North-Western Railway as compensation for the abolition of tolls on railway bridges	30,000

(Ultimate cost of the scheme—Rs. 40,000 recurring.)

Under the Public Works Department minor head in addition to 6½ lakhs which were at first entered in the budget for major works in progress it was found necessary to add another 2½ lakhs for regrant of lapsed allotments, to which reference has already been made. While it has been possible to make provision for a number of urgent schemes which previously had to be postponed owing to the necessity for economy during the war there are still several important works which have had to be omitted. The works which have been provided for have been considered and discussed by the Finance Committee.

PROVINCIAL BALANCES.

The opening balance at the beginning of the current financial year amounted to Rs. 1,22,75,000 or Rs. 13,67,000 better than the figure anticipated in the revised estimate for the year 1916-17. The causes of variation have been explained in Part I of the Memo. and as compared with the balance of the previous year (Rs. 63,55,000) the figure shows a betterment of Rs. 59,20,000.

The budget for the year 1917-18 provided for a closing balance of Rs. 1,05,09,000 whereas the causes already explained in detail under the various heads have resulted in an improvement of Rs. 80,44,000 in the revised estimate. The closing balance on 31st March 1918 is thus expected to be Rs. 1,85,53,000 which includes Rs. 21,71,000 as unspent balances of the ear-marked Imperial grants as detailed below :—

		Rs.	Rs.
For Education	{ Recurring ...	1,35,000	
	{ Non-recurring	40,000	
		<hr/>	1,75,000
For Sanitation	{ Recurring ...	2,27,000	
	{ Non-recurring	7,90,000	
		<hr/>	10,17,000
Wheat profits grant	...	...	9,79,000
		<hr/>	
Total	...	...	<hr/>21,71,000

The budget for the year 1918-19 shows a surplus of Rs. 1,40,000 resulting in a further increase of the balance to Rs. 1,86,93,000, of which the unspent balance of the ear-marked Imperial grants will, it is estimated, be as follows :—

		Rs.
For Education	...	40,000
For Sanitation	...	10,17,000
Wheat profits grant	...	4,18,000
		<hr/>
Total	...	<hr/> 14,75,000

LAHORE :

O. F. LUMSDEN,

The 5th March 1918.

Financial Secretary to Government, Punjab.

APPENDIX.

Statement of reappropriations exceeding Rs. 10,000 which have been sanctioned by the Local Government since the beginning of the financial year.

		Rs.
1—Refunds—Land Revenue Refunds.	To meet excess expenditure	45,000
11—Forests ...	Grant to Conservator of Forests for purchase of drums for resin industry.	30,000
	To meet excess expenditure under various detailed heads ...	100,000
24 B—Sanitation ...	Additional grants for supply of quinine to local bodies, etc. ...	50,000
		30,000
29—Superannuation Allowances and Pensions.	Additional grants under commutation of pensions ...	15,000
		10,000
36—Stationery and Printing—Government Presses	Printing of Patwaris' and Kaugongos' forms ...	23,500
Stationery supplied from Central Stores.	Additional grant on account of printing paper and binding material	40,000
32—Miscellaneous (other than reserve).	Grant-in-aid to Bahahr State out of the forest surplus ...	20,000
	Regrant of savings under Contract Contingencies ...	30,000
42—Irrigation—Major Works.	To meet extra expenditure on account of closing of the project estimate of the Triple Canals and to the revision of the system of calculating establishment debts.	6,00,000
45—Civil Works (Public Works).	Reformatory Settlement, Amritsar ...	17,000
	For certain works necessitated by earthquake in Kangra District ...	55,000
	To meet cost of purchasing Brockhurst Estate at Simla for use as residence for Government officers.	1,31,500
	For payment of enhanced awards for acquisition of residences for Government officers at Simla.	29,825
	To meet excess expenditure	1,00,000
	Additions to the existing Farm building's at Lyallpur ...	16,000
	Cost of acquiring land occupied by the Charing Cross Police Post, Lahore.	11,000

NOTE.—Re-appropriations which are merely the result of an item of expenditure being debited to some head other than that under which budget provision had been made have been omitted.

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 Government of India Act, 1915.

THE Council met at Government House, Lahore, at 10-30 A.M., on Thursday, the 14th March 1918.

PRESENT:

His Honour Sir MICHAEL FRANCIS O'DWYER, G.O.I.E., K.C.S.I., I.C.S.
Lieutenant-Governor, *Presiding.*

The Hon'ble Mr. JOHN PERRONET THOMPSON, I.C.S.

The Hon'ble Sardar Bahadur Risaldar Sardar PA-TAB SINGH.

The Hon'ble Mr. JAMES ALEXANDER RICHEY.

The Hon'ble Mr. HERBERT JOHN MAYNARD, C.S.I., I.C.S.

The Hon'ble Mr. OSWALD FARQUHAR LUMSDEN, I.C.S.

The Hon'ble Sardar Bahadur Sardar GAJJAN SINGH.

The Hon'ble Rao Bahadur Chaudhri LAL CHAND.

The Hon'ble Khan Bahadur Sayad MEHDI SHAH.

The Hon'ble Pandit JAWAHAR LAL, BHARGAVA.

The Hon'ble Rai Bahadur RAM SARAN DAS, C.I.R.

The Hon'ble Mr. WILLIAM FREDERICK HOLMS.

The Hon'ble Mr. JAMES CURRIE.

The Hon'ble Rai Bahadur Raizada BHAGAT RAM.

The Hon'ble Sayad MAKHDUM RAJAN SHAH.

The Hon'ble Mr. CREWE ARMAND HAMILTON TOWNSEND, I.C.S.

The Hon'ble Mr. CHARLES JOSEPH HALLIFAX, I.C.S.

The Hon'ble Khan Sahib Mirza MUHAMMAD IKRAM ULLAH KHAN.

The Hon'ble Diwan Bahadur Diwan DAULAT RAI.

The Hon'ble Mr. EDWIN WOODALL PARKER.

The Hon'ble Khan Bahadur Mian FAZL-I-HUSSAIN.

[Mr. Craik:]

The Hon'ble Mr. HENRY DUFFIELD CRAIK, I.C.S.

The Hon'ble Khan Bahadur Malik MUHAMMAD AMIN KHAN.

The Hon'ble Colonel HAROLD HENDLEY, M.D., I.M.S.

The Hon'ble Mr. STEPHEN WILLIAM GRACEY, I.C.S.

PUNJAB VILLAGE AND SMALL TOWNS PATROL BILL.

The Hon'ble Mr. Craik :—

" Your Honour.—The system of *thikri-pahra*, which the Bill I ask for leave to introduce to-day is intended to legalise, means the ancient and customary system of patrols undertaken by the able-bodied male inhabitants of a village who are selected by lot and called on to assist in the protection of their village and their property in times when crime is rife. In its scope and aim the system is mainly preventive and in no way punitive or retributive. It is an indigenous institution and was in existence in the Punjab and probably in other parts of India long before British rule. Since annexation the system has, I believe, been worked from time to time with success. It will be within the recollection of this Council that in the first two years of the outbreak of the war, in 1914-15, the Punjab was the scene of a great revival of violent and serious crime. In dealing with that situation Government considered it to be its duty to rely as much as possible upon the co-operation of the people themselves. Consequently a very considerable revival took place of this ancient custom of village patrol, and I think it is common knowledge that in dealing with that special situation the system had very successful results. It was selected as the best way of enlisting the co-operation of the people because it was a system which they understood and which lay ready to our hands. The general consensus of opinion is that during these years *thikri-pahra* has proved itself a most effectual instrument in the suppression and in checking the growth of crime and disorder, and it is mainly, or at any rate very largely, to its extended employment that Government attributes the satisfactory decline in crime that took place in 1916 and was continued during the year 1917. It may perhaps interest the Hon'ble Members if at this stage I describe what exactly the method of selection by lot ordinarily is. In the various districts it is left to the people to select their own method, but generally speaking the method I am going to describe is that in vogue. A list of all the able-bodied male inhabitants is made out. Their names are then written on slips of paper and put into a *ghara* or similar vessel. Each day a number of slips corresponding to the number of patrols required are drawn from the vessel, and the men whose names are on the slips go on patrol that night. These slips are then placed in a second *ghara*. The same process is repeated every day until the first *ghara* is empty and then the process is repeated backwards, that is to say, slips are taken from the second *ghara*. It is a perfectly fair system and everybody accepts it as fair. The drawing takes place, I understand, always in public, and the men whose turns arrive are informed at once that they are to be on duty that night. Of course it is possible that the men whose names are drawn last from the first *ghara* may be drawn early from the second *ghara*. It may mean that they get two turns of duty close together, but no man can have three turns of duty until everybody in the village has done two. So in the long run the system works out fairly. Well, as I have said, this system has

[Mr. Craik.]

been in existence for a number of years, and at the present moment I think it is in existence in nearly all districts in the province to a greater or less extent. The question of its legalization first arose in 1915, more than 2½ years ago. The Lieutenant-Governor in commenting on the Police Report for the previous year remarked that he was not sure whether the time had not come to place this system on a more definite legal basis and that he would be prepared to consider proposals, to that effect. Soon after that, in the spring of 1916, a resolution on the subject was moved in this Council by a non-official member, the Hon'ble Lala Kanshi Ram, and ultimately this Council, or rather I should say the predecessor of this Council, unanimously recommended 'the distribution of fire-arms in selected areas and the extended use of the *thikri-pahra* system in co-operation with the District Officers and the police in the prevention of dacoities.' With the Council's permission I will just read a few words from the speech made by the Mover of that resolution. He said :—

'Are we not justified in asking that the village communities should have restored to them their former communal responsibilities? These responsibilities they discharged so well in the past and there is every reason to believe that they will discharge them better in the future when assisted with the advice and co-operation of our district officers. The system of village police is as old as the country itself.'

"Then a little later on he said :—

'My object, Your Honour, in moving the resolution is that people should be made self-reliant and made to realise their communal responsibility, not only for the protection of the village but also for effective co-operation with the district police. This twofold object can be secured by training the villagers for the duties of *thikri-pahra* and by making them really efficient in the use of firearms.'

"Well, Government has done what it can in the distribution of fire-arms, but that is not a subject with which I am at present concerned. It is, true that the Hon'ble Member did not apparently at that stage contemplate that the system should be extended by means of a legal enactment. It is, I admit, a possible line of criticism of this Bill that we are substituting for a voluntary duty gladly taken up a rigid obligation sanctioned by law; but such criticism would, in my opinion, be based on a total misconception, both of the objects and of the methods of the Bill. This is a point on which I desire to lay very great emphasis. In the first place it is a complete mis-description of the present system to say that it is voluntary. It is only voluntary in this sense that it is not backed by any legal sanction. But it is quite contrary to actual facts to imagine that the villagers themselves supply these nightly patrols without any stimulus from outside. The communal system in the Punjab villages has, it is generally admitted, weakened considerably during the last century or so, and it is now very difficult to find to any large extent spontaneous association of effort by all elements in the village directed to a common end, but at the same time there is still a sufficiency of the communal element remaining to answer to a stimulus applied from outside by the responsible authorities for the common benefit, and it is an essential feature of *thikri-pahra*—quite apart from the present Bill, which for the moment may be left out of consideration—that it is stimulated and to some extent organized by the District Magistrate, and is successful only where that stimulus is vigorously and continually applied, and where the system is worked in close co-operation with the police. I should like to develop this last point about the necessity of co-operation slightly. Of course it is the primary duty of our paid police to prevent serious crime, but under present conditions they must rely on the help of the people. The average area of our police stations is considerably more than 200 square miles, and it is quite impossible for the police force in charge of that area to patrol it adequately. The force usually consists of a sub-inspector, 2 head constables and 10 foot

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constables. It is a physical impossibility for it to patrol the whole area regularly and systematically. Where however this system of village patrols is properly organized and vigorously directed, there it has proved highly successful. In Jhelum, for instance, notorious burglars have been arrested red-handed by the patrols, and in a single year burglaries were reduced by 50 per cent, and dacoities by 75 per cent. In Rawalpindi there are instances of desperate dacoits having been rounded up and arrested by these village patrols. In Amritsar there was a very striking decline in burglaries and other offences against property in a single year. On the other hand, there are districts where efforts have been less systematic and where the patrols have been inefficiently carried out, and there the same results have by no means been attained.

"The second observation I wish to make, regarding what I have called a possible line of criticism of the Bill, namely, that it substitutes a legal for a voluntary system, is this. I have already pointed out that the present system is not really voluntary. My other point is that we are not in fact proposing to substitute any new system for that now in force. If the Hon'ble Members will refer to the wording of clause 3 of the Bill, they will find that it runs.—'When the Deputy Commissioner is of opinion that in any village in his district the inhabitants have not *voluntarily* made provision for watch and ward, or that the watch or ward made is not sufficient, he may make an order in writing' and so on. That is to say where the system has worked satisfactorily and with good results on the present lines, there this Bill will not apply at all. This is a point on which I wish to lay very great emphasis, because it is possible that there may be some misconception about it. The Bill will only apply to those districts or to those areas where the present so-called voluntary system has worked sporadically or on wrong lines and has proved a failure, and even then it will be entirely within the discretion of the district authorities not to apply the Bill; ordinarily they will not apply it unless they consider that the state of crime warrants it. That, I venture to think, is a complete answer to possible criticisms that the Bill is abolishing a successful voluntary system and replacing it by a rigid and legal obligation. The real reason for this Bill is the fact that the present system, though not voluntary, does not rest on any legal sanction. It is in fact carried out by what is generally known as *Intizamia Hukam*. Those Hon'ble Members of this Council who belong to the legal profession will I think agree with me that this is not a satisfactory state of affairs. It is recognised that it is the duty of the village to provide these patrols for its own protection, but if any individual refuses to do his part, there is no means of punishing him. The Deputy Commissioner can punish a *lambardar* by fining him, or rather by confiscating part of his *pachowra*. That may be very hard on the *lambardar*, because he cannot get at the shirker. The shirker cannot be punished in any way. The Deputy Commissioner may summon him—though I very much doubt if such summons will be legal, but when he has summoned him, he cannot do anything else except to reprimand him. If that is not sufficient, he may summon him again, and then the illegality becomes even more pronounced. It is obvious that this is not a satisfactory state of affairs.

"The other day I had an opportunity of seeing an old friend of mine, a land-owner in Amritsar District. I mentioned to him that in a few days a Bill dealing with *thikri pahra* was coming before the Council. I had not the time to tell him anything about the provisions of the Bill, because he immediately interrupted me and said—'*Thikri-pahra* is a very good *intizam*, but there is one serious *nugas* you cannot punish a man who does not turn out.'

"Well, if the Hon'ble Members will suggest any other method by which we can enforce equality of sacrifice in this matter, I should be very glad to

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consider it, but I think every body will agree with me that it is essentially a matter in which there should be equality of sacrifice. It is not fair that those inhabitants of a village who have a strong sense of duty should turn out and do patrol, often no doubt at considerable inconvenience to themselves and that one or two shirkers who are too cowardly or too lazy should be spared all the trouble. This is one of the main objects in introducing this Bill.

"Another possible line of criticism which I admit I feel somewhat greater difficulty in meeting, is that under the *thikri-pahra* system the zamindars turn out and sacrifice their night's rest largely for the protection of the wealth of the *Bania*, because the object of dacoits' avarice is generally the house of the village money-lender, and the *thikri-pahra* system is primarily designed to frustrate dacoits. Well, I admit that there is some force in this criticism. On the other hand it must be remembered that it is not only organized dacoits that will be checked, but patrolling is also effective in its operation against cattle thieves or the man who goes out at night to cut his neighbours' crops or to steal his neighbours' grain from the threshing floor. The village *Bania*, like every one else, will have to turn out and do his bit. This is a difficulty which we cannot very well get over. We must treat the village as a single indivisible unit.

"Incidentally I think it is not unreasonable to claim that by the introduction of this system of *thikri-pahra* and by its vigorous extension and expansion during the last few years we have done something to revive and stimulate the old feeling of communal responsibility in the village on which the Hon'ble Lala Kanshi Ram laid so much insistence when he moved his resolution 2 years ago.

"As regard the Bill itself, it was circulated for opinion over a year ago, not quite in its present form, and the opinions we received were, without a single exception, all in favour of the principle of the Bill. That again is a point on which I wish to lay emphasis. Every one of the opinions we received supported the principle of the Bill. There were some criticisms on points of detail. The most important of those criticisms we have met in the Bill as it now stands. Perhaps it will be convenient if I run very briefly through the clauses of the Bill. It is a short Bill of only 12 clauses.

"Clause 2 defines the word 'Village.' It includes a town with a population not exceeding ten thousand inhabitants. That did not appear in the Bill as originally circulated. As far as I remember it was inserted in deference to a criticism of a non-official member, I think the Hon'ble Member for the University. He said that he would like to see the Bill extended to small towns. Is that right?"

The Hon'ble Mr. Fazl-i-Husain—"Correct."

The Hon'ble Mr. Craik :—

"Well, we have had some difficulty in finding a satisfactory definition of small towns. Obviously we do not want to include the larger municipalities who have their own municipal police and where there is no necessity for patrol by the inhabitants. At the same time we did not want to leave out the smaller country towns which have no municipal police and which are not the head-quarters of a thana or which are so large that the thana staff cannot adequately patrol them. We went carefully through the figures giving the population of all towns in the Punjab at the last census and we came to the conclusion that if we excluded towns of over 10,000 inhabitants we would cut out all those which it was desirable should be outside the scope of the Bill, but I am ready to admit that this definition is open to improvement, and no doubt the Select Committee will carefully consider whether we might, for

[Mr. Craik.]

instance, reduce the figure from ten thousand to five thousand, or whether we might even devise some other means of defining the area to which the Act is to apply.

"Section 3 has been considerably changed in form. In the original Bill it ran—'When the Deputy Commissioner is of opinion that in any village in his district further provision should be made for watch and ward, he may, with the previous sanction of the Commissioner of the Division make an order', and so on. Now, as I have already stated, instead of requiring him to find that further provision should be made, he has to be 'of opinion that the inhabitants have not voluntarily made provision for the watch and ward or that the watch or ward made is not sufficient.' That change has been made in deference to a criticism made by an officer who has probably greater experience in the actual executive working of this system than almost any other. I refer to the present Commissioner of Lahore. He pointed out that no change is required where the present system is adequate and satisfactory, and under this clause no change will be made in such cases. Then we have cut out the previous sanction of the Commissioner, but we have substituted in clause 11 an appeal to the Commissioner. We thought that more satisfactory as the previous sanction is apt to be rather a routine matter, and to put it quite bluntly, it is very often a mere waste of time. Then by sub-clause (2) of clause (3) the order is to remain in force for one year and can be renewed from time to time, and under sub-clause (3) it may be cancelled at any time.

"Under clause 4 the Deputy Commissioner requires the lambardars to make a report as to the number of able-bodied male inhabitants of the village, the number of persons who will be required for patrol duty each night and the method of selection. It has been suggested that the age of an 'able-bodied male inhabitant' should be defined, and that is a suggestion with which I am in sympathy. But there are practical difficulties in the way. Villagers do not in all cases know their ages, still less are they able to prove their ages. Supposing we put the maximum at 55, and a man claims that he is aged 56. It would be very difficult to prove the point one way or the other, whereas the question whether he is able-bodied is one on which any sensible person can form a reasonable opinion. Upon the report of the lambardar as to the number of able-bodied male inhabitants, the number required for patrol and the method of selection, the Deputy Commissioner passes the order determining the number of persons required and the method of selection. Ordinarily the method adopted will be the method proposed by the lambardar, which in 99 cases out of 100 will be the method I have just described of written slips put in two *gharas*. But the actual determination of the method must be left to the Deputy Commissioner, to provide for cases where there is a difference of opinion between the lambardars or between the villagers. Sub-clause (4) of clause 4 provides that lambardars are to publish the names. There again the Select Committee will have to consider a number of suggestions that have been made as regards the method of publication, and the intimation of notice to the persons selected. Clause 5 imposes liability for patrol duty either personally or through an able-bodied substitute to be approved by the lambardar. That again is in accordance with the almost universally existing practice.

"Clause 6 provides that patrolling must be carried out between sunset and sunrise, as is usually done now.

"Clause 7 gives the Deputy Commissioner power of exemption and generally powers to regulate and control all matters relating to patrol duty. The Deputy Commissioner will be the authority to decide any dispute between the inhabitants of the village as to the method of carrying out the system.

[*Mr. Craik ; Sardar Bahadur Gajjan Singh.*]

" Clause 8 gives the Deputy Commissioner power to delegate his duties to the Sub-Divisional Officer or to the Magistrate of the *ilaka*. That again is, I think, absolutely necessary. The Deputy Commissioner of a large district comprising 1,500 or 2,000 villages cannot be expected personally to supervise the working of the system throughout the district, and it is essentially a matter that should be left to the Magistrate in immediate charge of the area.

" Clause 9 provides the penalty for an individual who fails to perform his duty. The original Bill required a magisterial conviction and imposed a penalty of fine which might extend to Rs. 50. We had great deal of criticism of that, I think, reasonable criticism. If you insist on a regular trial and conviction it means that the accused persons, the witnesses for the prosecution and witnesses for the defence, might have to go a great distance, possibly to the headquarters of the district many miles away. That would involve a waste of time and harassment altogether out of all proportion to the seriousness of the offence. Consequently a great many critics suggested that the Bill should provide that the Deputy Commissioner, after hearing what the man had to say and what the other people in the village had to say, could impose a fine if necessary by an executive order. The fine is limited to Rs. 25. It need hardly be said that in the case of first offence a very much smaller fine would be imposed. Rs. 25 would only be reserved for persistent and contumacious shirkers. Hon'ble Members will notice that the fine is credited to the *malba* or other village fund, that is to say, it is not credited to Government, but it goes to the common fund of the village and could be used to reward those who did particularly well in the performance of patrol or could be used for any other communal purpose of the village.

" Then clause 10 provides for a fine on a whole village or part of a village which fails to perform its duty. There the fine may extend to Rs. 100 and the Deputy Commissioner distributes the fine over the inhabitants. That fine is credited to Government. It is not because Government wants to take the money, but because if you fine a village it would be absurd to pay the amount of the fine to the village fund. If any Hon'ble Member can devise a feasible system for funding such fines and employing them either in rewarding villages which had been successful, say for capturing notorious criminals or something of the kind, I should be very glad to consider it in Select Committee.

" Section 11 provides for an appeal to the Commissioner from an order directing that the patrol system should be introduced, or from an order fining either an individual or a village or section of a village.

" Then section 12 provides for the protection and privileges of persons on patrol duty and the duty of the public to render assistance to them.

" The Bill finally provides that all persons on patrol duty should be deemed to be public servants, the point being that obstruction offered to them thus becomes an offence under certain sections of the Penal Code.

" That, Sir, is all I have to say in explanation of this measure, and I now move formally for leave to introduce the Bill."

The Hon'ble Sardar Bahadur Gajjan Singh :—

" Your Honour, — I rise to oppose the introduction of the Bill for which permission has been asked by the Hon'ble Mr. Craik. The first point, Sir, that I wish to lay before this Council is whether a case has been made out for a legislative measure of the kind advocated. I am of opinion that no case has been made out. I have carefully gone through the Objects and Reasons of the Bill and followed the very able speech delivered by the Hon'ble Member in charge.

[*Sardar Bahadur Gajjan Singh.*]

"The first point he spoke in favour of the Bill is that the system of *thikri-pahra* is an ancient custom of the country. I beg to submit, Sir, that as far as it is known there is no such ancient custom. I have got an experience of the Bar for the last 34 years and during this very long period I never heard that this system of *thikri-pahra* is sanctioned by an old custom. It might perhaps be true that in old times in pre-British days when the Government of the day was weak and was not able to protect the villagers, then some of the villagers or even cities might have devised means for their own protection, but it must be in those circumstances alone. There can be no doubt that the same cannot be said about the present British Government which of course we are all very proud to think is very strong and quite efficient to cope with any disorder in any circumstances. In the second place it is to be said—and of course the Hon'ble mover had himself to admit this—that it existed long before the British rule in the Punjab. Then it is stated that the villagers like the measure. Of course Government had taken great pains to consult the opinions of non-official gentlemen, but I am not aware whether or not the people who will be affected by the measure have at all been consulted. It is a matter on which I hope the Hon'ble mover will throw some light when replying to the criticisms. In fact, the whole burden of the scheme falls upon the zamindars. Have the district boards been consulted? I know nothing on that point, but since some time past I have been personally making enquiries in my own district, in Lyallpur and in Lahore. In all these districts the unanimous opinion of zamindars is against the Bill. They do not like it. Yesterday I met a friend of mine who was an Honorary Magistrate. He criticised the Bill in the strongest possible terms, and there is not a single zamindar of any opinion who up to this time has expressed his consent with the principle of the Bill. Therefore, Sir, I think unless that opinion is known Government should not allow the introduction of this Bill. My own apprehension is that the zamindars not only would dislike the Bill, but there will be a sort of dissatisfaction which all of us at this time want to avoid, and I am afraid it may give rise to the feeling 'Why is such trouble now being inflicted upon our heads? Is not Government strong enough to take upon itself such like things?' It may arouse such sort of suspicions in the minds of the people.

"Then, Sir, it must also be remembered that in the case of cities we have got a very elaborate system of police. That police, till 4 or 5 years ago, as we all know, used to be paid from the Municipal Fund. Since some time Government has very kindly remitted those charges and it is now financed and paid by Government. That, Sir, is a measure which in one of my budget speeches I appreciated and on which I congratulated Government. Then I did express the hope that this measure would pave the way to extend the system to villages, at least to big villages. I am surprised that after some time instead of getting that concession the villagers are now required to take care of their own person and property. We all know that the villages even at present have an elaborate system of *chaukidars*, a system which I understand was approved by the Police Commission only a couple of years ago. Of course the village *chaukidars* are paid by the zamindars themselves. Government simply co-operates with them to run the scheme. I thought time would come that similarly zamindars just like the townsmen will be relieved of these charges, but on account of the war I thought we should perhaps wait and should not harass Government by asking for further expenditure. Anyhow there is no justification why that village system should not be considered sufficient. If Government for some reason or other considers that that system requires improvement, it ought to consult the zamindars. I have specially questioned the zamindars on those points. They very bluntly said—'We will not mind even if we are required to pay double the amount of *chaukidars*.' Government should strengthen the agency and appoint more *chaukidars* for our protection. But if

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Government would ask us to sacrifice our well-earned night's rest, we consider it as a very harsh measure. Therefore, Sir, I submit that this measure is quite uncalled for. I think that it is not only from the administrator's point of view that the measure should receive support—but that is not the only point Government is called upon to consider—but it should also consider the other side, i.e., the villagers' side must also receive careful consideration at the hands of Government. Then there are other reasons, very weighty reasons, against the principle of the Bill. The Punjab has never been lacking, at least since the time you, Sir, have assumed the exalted office of the Lieutenant-Governor of this province, in co-operation with the authorities and with the police, and I was delighted to read in the Review of the Police Administration the remarks by Mr. French which I should like to read—

'From the commencement of his term of office the Lieutenant-Governor has devoted special attention to the improvement in the morale of the Police and to the necessity of their securing the confidence and active co-operation of the community which they are intended to protect. He is happy to think that each succeeding year has shown a marked advance in these directions. Throughout the stress of the late critical years Government has been able to rely with confidence on the loyalty and efficiency of the force and its ability to meet all demands placed on it.'

"Therefore, Sir, I was glad yesterday to hear from the Hon'ble Mr. Craik that this co-operation continued in the last year. Apart from this we have got the evidence of the official reports that happily during the period of Your Honour's Government the offences are on the decline. This was admitted yesterday in the budget speech by the Hon'ble Mr. Craik, and in the beginning of the same report it was pointed out.

"In last year's review it was noted that the progressive diminution in crime which had marked the years 1913 and 1914 had received a temporary check from the various disturbing influences which rendered the year 1915 memorable in the annals of the province. It is a matter for deep satisfaction that the year 1916 marks the complete disappearance of the serious disorder and lawlessness of 1915 and shows a drop in recorded crime to a level lower than has been reached since the year 1910.

"This decline I was glad to hear from the Hon'ble Mr. Craik continued in the year 1917. Therefore, Sir, there is absolutely no evidence to show that there is any special feature in the Punjab which could justify this measure. If that is so, I should like to bring to the kind notice of this Hon'ble Council and Your Honour's Government that it is a measure which has up to this time not been introduced in any other Province. There is absolutely no reason why the Punjab should be selected for this measure with the present diminution of crime. Apart from that Government has of late been very busy in devising means, very rightly, to see that the crime should decrease. Government has appointed a special Deputy Commissioner in charge of the criminal tribes. Their movements are controlled, and we have every reason to believe that that system will secure more diminution of crime. We have only the other day passed a measure from this Council about the restriction of offenders' movements. That, I have no doubt, will have a healthy effect upon checking the criminal tendencies of bad characters. I submit, Sir, that in these circumstances when Government is specially empowered and armed with suitable weapons, the necessity of this measure is not quite clear. A reference has been made by the Hon'ble Member in charge to a resolution which was passed by this Council in favour of the *thikri-pahra* system. There is a resolution no doubt, but it is also absolutely true that the resolution wanted co-operation on a voluntary basis and voluntary basis alone. The Hon'ble Mover, Lala Kanshi Ram remarked:—'But I submit popular co-operation as such should always be on a voluntary basis and uncontaminated by legislative restraints. People would always esteem it an honour to

[*Sardar Bahadur Gajjan Singh.*]

render voluntary assistance to their village community and to their Government, but when once legislative restraints are imposed the pleasure and the charm of communal honour will disappear.'

"This is the most important part of the speech of the Hon'ble Lala Kashi Ram to which I beg to draw the attention of this Council and of Your Honour's. The whole trend of that resolution was that Government should encourage popular co-operation, and it is a matter of satisfaction, Sir, that no one has done better to secure that co-operation of the people than Your Honour's Government during the last 5 or 6 years, and Your Honour has done everything possible to encourage that co-operation. There is absolutely no doubt, Sir, that once the people come to know that there is no honour in this, there is no charm and there is no appreciation. If there are hard and fast rules, I am afraid the healthy co-operation will be checked and the idea of compulsion will prevail in their minds which is highly undesirable. Then, Sir, I must bring to your kind notice and to the notice of this Hon'ble Council that various experienced officers of Government are doubtful about the necessity of providing a measure of that kind. I should like to read the remarks of Colonel Popham Young who is an experienced Commissioner and understands the country very well. In the Police Report for 1913 says Colonel Popham Young:--

'The thikri-pahra system can hardly be made permanent. It is no doubt effective. It amounts to insisting upon the people becoming volunteer chaukidars. As with all volunteer movements it is liable to wax and wane with the enthusiasm born of real necessity, or of official pressure.'

"On this the Inspector-General of Police says--

'I agree with Colonel Popham Young, but think that much can be done, as in Jhelum during the past year, to foster these systems of patrolling by the payment of liberal rewards. It is, however, unfortunate, as remarked in last year's report, that our system of administration should be so powerless to control bad characters that district officers find it necessary to turn out half the country side, for long periods at a time, to guard against their depredations.'

"These opinions were given in 1914, some three or four years ago, and are as good now as these when after the lapse of three or four years we find that the offences are on the decline.

4. Then, Sir, the Hon'ble Mover has laid much stress upon the fact that this measure will come into play only if the Deputy Commissioner considers that in any particular district it is desirable. I oppose, Sir, the principle that there should be any compulsion. Why should people be asked to wake for the whole night. Why should there be any idea that Government is not able to take care of the person and property of its subjects. Then coming to the provisions of the Bill. I must admit that the present Bill is a very great improvement on the original Bill, but there are certain defects even now. As regards the substitution of Deputy Commissioner in place of a Magistrate, I do not think the matters have much improved. The object is to avoid inconvenience and harassment, but that stands there. I wonder if any Deputy Commissioner would fine any defaulter unless he takes care to hear him personally. Of course he has been given the right to be heard, but how will he go and place his views before the Deputy Commissioner. That means loss of one day. So this change is open to the same objection and I do not know how the matter can possibly be improved. Then again, Sir, if you just take the case of those unfortunate people who are the single members of the family, I think the system will work very hard on them. Take the case of a man who has to be on his crop which he has to look after, and who has no other male member in the family. Should he look to his crops or his patrol. I know that it is not possible to get a substitute at the time of crops except for Re. 1 or Re. 0-8-0. This

[*Sardar Bahadur Gajjan Singh ; Rai Bahadur Chadhri Lal Chand ;
Mr. Fazl-i-Hussain.*]

means a loss to the persons concerned. Similarly take the case of the unfortunate single man who is very busy with his crops in the month of Katak when a Jat will not even go to dispose of the dead body of his mother for the sake of his crops. This system will compel him to turn out on certain days. It is just possible that he may find that while himself patrolling the houses of others, his own was broken into or his crops were taken away. The Hon'ble Mr. Craik has no doubt experience about the sizes of villages. Sometimes it may happen that if those on patrolling duty go to see the crops, some difficulty may arise in the village, or if they are in the village the same thing may happen about the crops.

"Therefore I submit that this measure is most undesirable and impolitic, and one which will cause dissatisfaction in the minds of 80 or 90 per cent. of the population. With these remarks I submit that I must oppose this Bill, though most reluctantly, both in the interests of Government as well as in that of the zamindars."

The Hon'ble Rai Bahadur Chaudhri Lal Chand :—

"Your Honour,—I am afraid I cannot support this Bill ; and I endorse the remarks made by the Hon'ble Sardar Bahadur Sardar Gajjan Singh. I think Hon'ble Members, who represent village community, will support me when I say that there is a genuine feeling among the village people against this Bill. The villagers are already labouring under a disability in as much as they have to pay for their chaukidars, while their brethren in cities and towns have their police paid by the Government. The present services of the villagers have made a good case for the Government to relieve them even of this chaukidara cess. Their disappointment will be very great when they will learn that instead of being put on the same level with the city people, they are liable to be told to serve as chaukidars themselves.

"The Hon'ble Member in charge has ably described the success that has attended the *thikri-pahra* system. Even while opposing the Bill I give an assurance to the Hon'ble Mover that in times of emergency we villagers are always prepared to help the administration by resorting to *thikri-pahra*, but the creation of regular liability is neither welcomed nor justified. I do not wish to go into details, but in the name of the poor villagers who have won for the Punjab a name of which we are all so proud I submit that the Bill is not at all justified or even called for, and I hope Your Honour will kindly not allow this Bill to proceed."

The Hon'ble Mr. Fazl-i-Husain :—

"Your Honour,—After listening to the two Hon'ble Members who represent village communities and are also in possession of considerable experience of *thikri-pahra*, I rise to examine this Bill more or less from a general point of view. It seems to me that whenever a new measure is going to be introduced in this Council, it should be necessary as a rule to give a history of the legislation on the subject in order to find out, firstly, whether there is any particular need at the present moment, and if there is a need whether the existing legislation is good enough to meet it or not, and if the present legislation is inadequate whether the measure proposed is a reasonable one or not. Now so far as the first point is concerned, that is to say, the need for legislation, it appears to me that no doubt about the year 1911-12 there was a considerable rise in crime or undetected crime in the Punjab, and naturally the administration as well as the people were anxious to find out the causes for that increase and the best means of coping with it. But since the administration addressed itself to remedy the evil, it seems to me that every annual report on the subject has been bearing eloquent testimony to the efficacy

[Mr. Fazl-i-Hussain.]

of the measures adopted in order to suppress crime and reduce it. I say the administration succeeded very well indeed, and since last year it seems to me that the need for using other measures does not exist. I will not dilate on that point as that point has been discussed in this Council more than once. So my first position is that there is no need to adopt new measures in order to suppress such crime as does exist at present. Supposing for the sake of argument that there is some need, we have to see what the existing legislation on the subject is? Although the Hon'ble Member in charge has not told us, we know that so far as the prevention of crime is concerned, and so far as the detection of crime is concerned, there is not only a police station for every 200 square miles, but also every village, almost every village, has a "chaukidara system" of its own and that exists by virtue of the Punjab Laws Act, 1872, IV of 1872. Under section 39 (A) of that enactment the Local Government is authorised by law to establish the system of chaukidara throughout the Province, and full powers are given to the Deputy Commissioner of each district under sections 39A, 39B and 39C of that enactment to regulate the number of chaukidars in each village, that is to say, each village as a rule has to maintain a chaukidar, and where the village is too small to bear the burden of a chaukidar, then a number of villages maintain a chaukidar between themselves. In case the village is too big to be protected by a single chaukidar there are to be more chaukidars than one. So far as I remember the rules made by Government under the provisions of the Punjab Laws Act, I think there are about 70 or 80 of them, provide that as a rule there should be a chaukidar for about every 50 houses or so. Now what I cannot understand is where lies the need for this Bill when there is an enactment in existence, when there are rules framed by the Local Government under that enactment enabling the Deputy Commissioner to maintain chaukidars in each village, and to increase their number as the need arises. There are rules framed by the Local Government on this subject, and further rules were framed in order to make provision for the payment of these chaukidars. These rules apparently were framed some time in 1872. They provided that a particular tax may be levied in order to meet these charges and this tax is to be realised from each house. Every big house pays a higher share towards the chaukidara dues. If there is a *kamin* who has to pay *haq bua* dues to the proprietor, pays direct to the proprietor; he pays no tax for obviously there is very little in his house which requires to be protected. In the presence of very good, just and equitable rules framed by the Local Government under certain provisions of the law which have been in force since 1872, has any case been made out showing that these provisions of law are insufficient or that they did not work well? If so, what defects are to be found in them? Cannot we remedy those defects? Cannot Government remedy them by framing fresh rules if the existing rules are inadequate or ineffective? So far as I can judge, this part of the subject, which to my mind is of great importance, i.e., the existing provisions of law on the subject, whether they are good or bad, effective or ineffective, whether they have become altogether useless or not, has not been touched.

"Now I may mention here in passing that the revenue records of settlements of all districts would show that the institution of chaukidara is as old, I suppose, as anything connected with the existing administration. If I am not mistaken the system of chaukidara probably prevailed even 2 or 3 hundred years ago. After all what is chaukidara? That I suppose is based on the very simple principle, i.e., division of labour. The times I suppose are long gone, centuries have passed, when our village community had to be absolutely self-sufficient. However much from an academic point of view I may desire to see these village communities revive, the times I am afraid are all against them. The Indian villages have come into line with villages of other countries and have already

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started on progressive enterprises in agriculture and industry in order to enable this country to keep pace with other countries of the world. Steam and electricity are making it almost impossible for any village or any country to remain in a state of existence which no doubt some idealists like myself sometimes think very desirable. It is not practicable.

" Further I venture to point out the new measure after all is probably nothing better than an attempt to reintroduce what the country I suppose now considers as absolutely unfair system of the poor protecting their rich neighbours. What I mean is this. It is all very well to say that there is no reason why one man, however poor he may be, should not protect his neighbour however wealthy he may be, but I do not think it is equitable. One man has got nothing in his house and stands in need of no protection from anybody, while another man has thousands in his house which require protection. Now what does equity demand? It is that the man who has most should contribute most towards the necessary protection and the man who has nothing to protect should not contribute an equal amount in the protection of that nothing. So when it is said that there is the question of equal sacrifice, and so forth, I really fail to see the reason underlying it. On the other hand, the existing Government rule that a man should pay in proportion to the importance and value of the house seems to me fairer and more equitable than the principle which underlies this Bill. Further I would say that there are some idealists who would prefer the existing system of individual and equal liability as against the other one which probably is more modern.

" Now the next argument advanced was that after all there is *thikri-pahra* now in force and that that *thikri-pahra* is not voluntary, inasmuch as people have to do it because the authorities want them to do it, and that therefore by introducing this legislation you are doing nothing new, you are simply perpetuating what people are not doing voluntarily. That is, I may say, a very unfair way of looking at things. *Thikri-pahra* is voluntary in this sense—supposing a zamindar fails to do it, i.e., he is a shirker, you cannot compel him to do it. That is what is meant by voluntary work, and to my mind, as has been very rightly pointed out by the Hon'ble Member who spoke in opposition to the Bill, as soon as you introduce legislation on the subject, the beauty, the value, the utility of voluntary co-operation ceases. Because you compel a man to go in for *thikri-pahra* there is no virtue left in it. Because he must do it whether he wants to do it or not, the beauty of it is gone. So I think in cases of extreme necessity it is better for Government to rely upon the good sense of the people to come forward voluntarily to help the administration rather than pin them down by legislating on the subject. As soon as you compel a man to be virtuous, there is no virtue left in his doing it. As soon as that chance of doing the thing voluntarily is taken away, there is nothing left in that. Then to every one of us, every one including official members, the penal provisions of the enactment must appear as hard and unnecessary. Just imagine the country side coming up to the expectations of Government in co-operating with the administration and taking their full share in *thikri-pahra*. Then all of a sudden they are told, you have done very well for the last two years; after all it is not voluntary; you are made to do that; and now we shall legislate that you shall do it.

" An argument of that sort, I may point out, really develops suspicion in the public mind. Whenever any measure, however well intentioned, is introduced, the people are inclined to be suspicious, not because the measure is bad but because it is only the thin end of the wedge. It is measures like these that give some sort of ground to develop suspicion. It is on that account as well, that I would appeal to Government not to press the Bill which appears to have elicited the opposition of the communities which it purports to benefit.

" I do not want to add anything with reference to the penalty clauses at this stage except to make this one general remark that they are very harsh. Do you want the people to protect themselves and their neighbours, to supplement

[*Pandit Jawahir Lal ; Mr. Maynard.*]

their chaukidars, and on their failure to do so want them to travel to the courts at the district headquarters, possibly engage a pleader, and spend a lot of money. In a number of cases it may mean no end of hardship, as if they were great criminals. Let the people pay for the services of an extra chaukidar and do not compel him to work as chaukidars themselves. Later on, one may be compelled to work as a weaver himself—that would be a sort of self-help—but that sort of thing cannot really be revived."

The Hon'ble Pandit Jowahir La₁—

"Your Honour,—I also agree with my learned colleague who have preceded me in thinking that the present Bill is not a desirable one at the present juncture. I need not repeat the grounds which have already been advanced by them. But I may say that the present Bill will give rise to dissatisfaction not only amongst the village people but also amongst the towns people to whom it is intended it may be applicable. Such an arrangement may have been in existence in ancient times, but the system of watch and ward by chaukidars and policemen has been in vogue for a long time and the reversion to the old methods would be resented by the people and they would not consider it a pleasant part of their duty. Of course when there are emergent occasions people have been found willing to co-operate with the district officials, but there is great difference between voluntary co-operation and forced co-operation or forced order. When the people think that they have to act under the force of a rigid and fixed rule, instead of that being a pleasure to them which it would be if the stimulus came from the brotherhood, it makes them hesitate to work, and it is on account of these reasons that this Bill should not be allowed to go on the Statute book."

The Hon'ble Mr. Maynard.—

"Your Honour,—When I came into this room I had no intention of making any remarks on this Bill, but it has surprised me a good deal to hear the opposition which it has evoked in many quarters. Some of the arguments which have been advanced with great force, are I may say only specious. In spite of my not having given a detailed consideration to the subject I feel I may venture to place my views on the subject before the Council.

"I note that one of the arguments which has been adduced against the principle of this Bill is that it is most undesirable that Government should give to the people the impression that it is not strong enough to protect them against crime. This view seems to me to rest upon a total misconception of the relations of the Government and the people. Government is not something apart from the people. It is an organ through which certain duties and certain functions are discharged. There are certain functions which cannot be discharged without co-operation between the people and the Government. Whether Government exercises its functions of protection by the appointment of a paid service or whether it exercises its functions through calling on the people to take part in the protection of their own homes and property, it is alike the Government which acts as the organ of the people. Therefore it appears to me that it is an entire misconception to suggest that any impression of weakness is conveyed if it calls upon the people to turn out for the protection of their own homes and property.

"Another argument which has been adduced is that so much has already been done by Your Honour's Government to suppress crime that nothing further is required. Well, Sir, those who adduce that argument do not realise the delicacy of the balance which perpetually exists between the triumph of the criminal and the success of the administration. It is not enough temporarily to check crime. There is a price to be paid for freedom from crime, and it is only by vigilance and the adoption of such measures as

[Mr. Maynard.]

may be necessary to retain that balance in favour of the administration that it has so far been successful.

"Another point which I observe has been adduced is this that there exists already a system which should be adequate or should be made adequate, *i. e.*, the *chaukidara* system which is already provided by law, is of a character which should suffice for all purposes. Well, Sir, when I listened to the remarks made by the Hon'ble members on this subject it occurred to my mind that they did not really know what a *chaukidar* is or what his functions really are. They seemed to think that they are a sort of regular police force. The *chaukidars* have multifarious duties to do during the day, *e.g.*, carrying messages, and are virtually the servants of the village for a number of purposes. Moreover, they often have land of their own to cultivate. In my experience suggestions have been not infrequently made that *chaukidars* should remain awake all night and should be fined when they are found to have failed in this duty. It is not possible for a man to work all day and then stay awake all night. *Chaukidars* are appointed on the average of one for every 100 houses. In very many villages there is only one, in many others there are only two, and their duties are not of the kind which the Hon'ble Members who oppose this Bill consider them to be.

"Then I have heard some of the Hon'ble Members say that directly the system ceases to be voluntary, all the honour goes out of it, but it appears to me that the Hon'ble Members who use this argument ignore the fact that the people even at present see no charm or particular honour in turning out at night. It is only to provide a penalty for the shirker and to make him do the work in which he ought to take a share—it is precisely in order to prevent him from indulging in the habit of shirking—that this Bill has been framed. (Hear! hear!)

"Then, Sir, I have heard an argument from one Hon'ble Member which seemed to me to this effect—why should a poor man be asked to make a sacrifice for his well-to-do neighbour, the well-to-do man should do his duty for himself. Well, Sir, this is an extremely individualistic doctrine, I will go so far as to call it an anarchical doctrine. It certainly leaves entirely out of account those communal responsibilities, which I have always understood that it was the object of many Hon'ble Members to renew and to strengthen. It is not compatible even with that very limited amount of communal responsibility which already continues to exist in this Province.

"One of the Hon'ble Members even carried his proposal to such a length as to suggest that Government should relieve the villages of their duty of maintaining *chaukidars*. Well, Sir, it appears to me that this attitude of those who deny all duty to their neighbours and who would take away from the villages their responsibility which already exists for watch and ward within their own villages, is calculated to destroy all the remnants of communal responsibility.

"Now, Sir, I should like to remove one misconception or try to remove one misconception which appears to exist from the remarks of one of the Hon'ble Members. It has been assumed that our own regular police in rural tracts are able not only to arrest criminals and to investigate crime, but actually to prevent burglaries and dacoities, that is to say, they are actually on the spot everywhere in order to see that crime is not committed and prevent it from being committed. Those who have been in the habit of touring in rural localities, and it is the duty of officials to tour, possibly there are no non-official members who have precisely the same duties to discharge in this respect, must be well aware that you will find perhaps one dozen or 16 policemen in an area which may be 20 miles wide by 12 miles long, and will contain perhaps 50 or 60

[*Sardar Bahadur Risaldar Partab Singh; Diwan Bahadur Daulat Rai; Mr. Parker; Khan Bahadur Malik Muhammad Amin Khan.*]

or 100 villages and it is not within the power of the police to be everywhere at the same time. It is not possible for the police to discharge those functions which the Hon'ble Member appeared disposed to think they are able to discharge, and it would not be possible for them to do so if multiplied tenfold."

The Hon'ble Sardar Bahadur Risaldar Partab Singh :—

"Your Honour,—As the Hon'ble Mr. Craik was saying this custom is recognised by ancient custom. I know that it was called *thara bandi*. It was in the time of the Sikh rule. Under this system the people used to sit in the centre of the village and guard the village. It was called *thara bandi*. So the Hon'ble Mr. Craik's information that it is an ancient custom is correct. I most humbly beg that at this time when all our young men have gone to the War this Bill may be postponed till we have glorious end of the War. It will be best to postpone it till the end of the War.

The Hon'ble Diwan Bahadur Daulat Rai :—

"Your Honour,—There are just one or two remarks which I have to make. The first is that a case for this legislation has not been made out. The second is that the present system of voluntary co-operation in this matter has been so great a success. I come from the part of the country where this system has wonderfully succeeded. It has worked very successfully under Colonel Popham Young who has taken more than a personal interest in it. I see from the remarks of the Hon'ble Mr. Craik that Mr. King, Commissioner of Lahore, also has said that this voluntary system has succeeded wonderfully well. If this voluntary system, a system which is now in vogue, has succeeded, why introduce compulsion? I do not see any illegality in the Tahsildar in the exercise of his executive powers calling a man. Suppose he goes to a village on tour and he wants to speak to a certain villager. Is it legal or illegal on his part to call him? I do not see any illegality in that. In my opinion the thing has worked so successfully that there is no necessity for the legislation suggested, more especially when it is admitted that there has been a very great decrease in crime. On that ground I respectfully beg to oppose the introduction of this Bill."

The Hon'ble Mr. Parker :—

"Your Honour,—I entirely support the principle of the Bill, though I admit some modification will be required in it. I think it is now 55 years since I became a Magistrate in the Punjab. At that time communal responsibility was real and was fully enforced. I am sorry to see that I have noticed with great regret the disintegration of that communal responsibility going on from year to year ever since I came to this Province. I think it is a matter of gratification both to the people and to the Government that it can be revived and strengthened. I think this Bill is very wholesome so far as the principle is concerned, though I may object to certain details. I think it ought to be introduced at once. I think really the ground on which serious objection is taken is that it gives power to the lambardar. In the Bill that was before the Council the other day that was the objection taken by the Hon'ble Members that power should not be conferred on the village lambardars, I think there is the same feeling now. Some of the lambardars are very trustworthy persons, and I think that no harm can possibly come from this Bill."

The Hon'ble Khan Bahadur Malik Muhammad Amin Khan :—

"Your Honour,—I oppose the introduction of this Bill. I assure, Your Honour, all the villagers are against the Bill and feel that there is no necessity at present for the Bill."

[Mr. Thompson ; Mr. Craik.]

The Hon'ble Mr. Thompson :—

“ Your Honour,—Like the Hon'ble Mr. Maynard I am somewhat surprised at the opposition to this Bill, and I have been considerably impressed by it, coming as it does from Hon'ble Members representing such different schools of thought as the member for the University and the members who represent the rural communities. Mr. Maynard has pointed out certain misconceptions which appear to exist. There is one other misconception which I think tends to obscure the real issue that is before us. It is forgotten that this measure is intended only to meet local emergencies. Government does not propose to establish at once all over the Province the system of *thikri-pahra*. If that were the intention, I should certainly find it difficult to support the Bill, but that is not the intention.

“ Government in its perpetual warfare with crime is very much in the position of a general defending a long line against the enemy. He never knows where the attack may come or where it may be necessary to throw in reinforcements. What this Bill is intended to do is to give Government the power of throwing in local reinforcements as quickly and effectively as possible to meet a sudden attack. We propose to do that by giving the Deputy Commissioner power immediately to extend this system in any locality in his district where he considers it necessary. We propose, as it were, to give him power to enlist special constables to meet particular outbursts of crime. Some of the Hon'ble Members have argued that because crime has steadily decreased during the past few years, there is no necessity for such a measure as this. Crime is an incalculable thing just like the *jinn* in the Arabian Nights tales. He can be confined within a bottle, but is apt to escape at awkward moments. You can never tell when he is going to get out. What this Bill is intended to ensure is that Government shall have power to lay the *jinn*, to put him back into the bottle. Some of the Hon'ble Members have suggested alternatives. One Hon'ble Member suggests temporary increases in the number of chankidars. This is a possible alternative, but it lacks the promptitude and the effectiveness of the scheme proposed in this Bill. That is all I have to say. I trust the Hon'ble Members will allow this Bill to go forward and be examined by the Select Committee. It is possible it may emerge modified in form. It is possible that Hon'ble members may not be convinced by the results of the Select Committee's deliberations. In that case it will be open to them to reject the Bill at a later stage.”

The Hon'ble Mr. Craik :—

“ Your Honour,—Like the Hon'ble Member who has just spoken I admit I am surprised and also to some extent pained by the opposition which this Bill has evoked. It seems to me that if there was ever a measure for which the mover might fairly expect to receive a sympathetic hearing at the hands of this Council, it is this Bill. The measure was designed in order to give effect to a resolution unanimously passed by this Council. It was circulated to every member of this Council, and every member who replied approved of it. Not a single member, I may say, took the point that it was a mistake to substitute a legal for a voluntary system. The Hon'ble Member for the University wrote—I have his opinion before me—

‘ I strongly support the principle underlying the Bill, and if possible should like to see it extended to small towns by treating them as so many separate villages put together.’

“ How can the Hon'ble Member justify his apostasy to his constituency ? I should think that if he met, say, the Professor of Logic at the University, he would find considerable difficulty in explaining his inconsistency.”

[*Mr. Fazl-i Hussain ; Mr. Craik.*]

The Hon'ble Mr. Fazl-i-Husain—

“That professorship has been reduced by Government.”

The Hon'ble Mr. Craik :—

“So much the better for the Hon'ble Member. Personally I can see no justification whatever for the Hon'ble Member's attitude. He gave me to understand that he supported the Bill and he came here presumably prepared to continue his support. Am I to believe that he has been so moved by the eloquence of the first two Hon'ble Members who opposed the Bill that he has entirely changed his opinion? Does he seriously assert that those eloquent periods which we have just heard were delivered extempore on the spur of the moment? I am afraid not. Well, as I have said, here we have a measure drawn up for the express purpose of giving effect to the wishes of this Council, Member after Member supported it in writing, and now they get up and oppose it! Do you think that inconsistency of that kind will raise your reputation for political acumen or wisdom in the eyes of the public? Personally though the mover of this Bill, I do not care very much what its fate may be. I admit that things are very well as they are, but what will the public think of a Council which unanimously passes a resolution and then completely changes its mind when Government on its bidding introduces a measure to give effect to that resolution?”

“Not a single Hon'ble Member, who has criticised this Bill to-day, has met my real point, which is this—granting that we wish to extend this system of *thikri-pahra*, as this Council has unanimously recommended, are we to extend it purely on what the Hon'ble Members are pleased to call a ‘voluntary basis’ or not? I do not wish to mince words. Surely you do not wish Government to persist in an illegal attitude. Do Hon'ble Members realise that every Deputy Commissioner who punishes a man for not turning out for patrol exposes himself to a civil action? That is a difficulty which no Hon'ble Member has met, and this is the difficulty which this Bill is designed to remove. As the Hon'ble Mr. Thompson has pointed out, there is no intention of introducing in the Punjab at this moment a universal system of village watch and ward in every village or in every district. It is perfectly clearly stated in the Statement of Objects and Reasons that action will only be taken in those villages where having regard to the state of crime or other sufficient causes the Deputy Commissioner considers that special measures are required. At present the Punjab is peaceful and free from crime. Will any Hon'ble Member be bold enough to prophesy that that state will last when after the war thousands and hundreds of thousands of the more adventurous spirits return to their native land, when thousands of our prisoners who have hitherto been serving in Mesopotamia, as I explained yesterday, are released and are thrown at large on the countryside? Do the Hon'ble Members seriously assert that we can definitely say that the decline of offences against property is permanent? I for one doubt it. It is quite probable that a year or two hence you may see a great recrudescence of armed dacoity or cattle theft or robbery.”

“The Hon'ble Sardar Bahadur Gajjan Singh has made a point of the hardship to the man who was the only male member of his family. There is no real hardship. Such a person can be exempted under clause 7 of the Bill. The Hon'ble Member for the University admitted—I think I can quote his actual words—that under the present system you cannot compel a shirker to do his duty, and he based his opposition to the Bill on the contention that there is honour and pride in voluntary service. On that point his speech showed, if I may say so, a complete ignorance of the actual working of the present system. I admit that legally you cannot compel a shirker to do his duty. My point is that you are punishing him illegally at present for failing to do his duty.”

[Mr. Fazl-i-Hussain ; His Honour the President ; Mr. Craik.]

The Hon'ble Mr. Fazl-i-Husain :—

"Is it a fact that Deputy Commissioners are punishing those who are not doing their duty? This is a very strong admission if it is authorised by Government. Are there any instances in which Deputy Commissioners have fined any man?"

His Honour the President :—

"The point raised by the Mover is that the Deputy Commissioners, if they enforce the present voluntary system, render themselves liable to civil action. The Hon'ble Member is developing that point."

The Hon'ble Mr. Fazl-i-Husain :—

"I would like to know if any one has ever been fined.

"If such a case had occurred I would certainly have interpellated Government on it."

The Hon'ble Mr. Craik.

"I did not say 'fined,' I said 'punished.' I understand that under the present system if a man is reported for shirking, he is summoned by the Deputy Commissioner and reprimanded. The point is that that does not necessarily compel him to do his duty, and there is no legal basis for the summons. What we ask the Council to do now is to place this so-called voluntary system on a proper legal basis where necessary and to regularize a system which has at present no sanction in law. One of the main objects of this Bill, as I have said before, is to ensure equality of sacrifice. I do not remember that any single Member, who has opposed it, has met my point on that head. I cannot see how without it we are to ensure that every one takes his fair share of the burden."

His Honour the President :—

"Before the motion is put to the Council I would like to make just one or two remarks to supplement what has been said in support of the Bill. The main arguments against the Bill were that we are doing very well under the present voluntary system, that the people will resent any alteration from the voluntary system to a compulsory system, and that there is no special justification for the change at the present moment as crime has steadily decreased in the Punjab and also as people are co-operating with the administration in an increasing degree. There is force in all those arguments, but as the Hon'ble Mr. Thompson has pointed out and the Hon'ble Mover of the Bill has pointed out the main question is that this is an emergency measure to be used on occasions of great gravity and of serious crisis likely to interfere with law and order. We have had surprises in the past, and there is no guarantee that we shall not have such surprises in future. The Hon'ble Mr. Thompson has aptly compared the state of crime in this Province to the *jinn* in the Arabian Nights. The *jinn* is shut up in the bottle, but we cannot always guarantee that it will remain there. We all know how seriously the peace and order of this Province was threatened three years ago by the revolutionary conspiracy. We also know with what difficulty Government succeeded with the co-operation of the people and very largely by means of this system of *thikri-pahra*, in coping with that conspiracy and in bringing the more serious offenders to justice. We all know that those men whose object was to

[*His Honour the President.*]

spread terrorism and anarchy in this Province were brought to justice, some of them were imprisoned, some were hanged, some were transported, and some were sent to the jail in Hazaribagh. We have heard in the last few days that about 18 of those men have escaped from the bottle in which we thought we had safely shut them up. There is no guarantee that they will not come back to their own native districts in the hope of starting the same campaign of anarchy and violence which they endeavoured to start in 1915. I trust that as in the past we can cope with a situation like this, but Government can only be sure of adequately coping with it, if it is armed with special powers of associating and enlisting the co-operation of the people of the districts and of the localities to which these dangerous criminals belong. A great number of these men belong to the Central Punjab, and I think no less than six of them belong to the district of the Hon'ble Member who opposed this Bill and whose efforts I must say in dealing with the Ghadar conspiracy were of special assistance to Government. I am sure that the Hon'ble Member himself—assuming that those dangerous criminals are returning to their homes in the Ludhiana District to raise the standard of anarchy and rebellion against Government—will be the first to admit that one of the most effective ways of dealing with them would be that the people of those localities to which these criminals belong should turn out and patrol at night and thereby round up these dangerous criminals. I have mentioned this instance simply to exemplify the situation which this Bill is intended to deal with. As long as things go on quietly and smoothly, we do not want these emergency measures. But I would ask the Hon'ble Members to bear this in mind. Is it better to forearm yourself to deal with a critical situation or are we to wait till the critical situation has arisen and then endeavour hastily to improvise some means of dealing with it? With my experience as head of this Province for the last anxious 5 years I can say that no step would be more fatal for the security of the province than to wait till an alarming situation has actually developed and then hastily to devise means of coping with it. If we have measures ready to hand and we know how to use them, with the co-operation of the people; then we can meet any situation that may arise with confidence and with equanimity.

“A good deal has been said as regards the details of the Bill. There are many points which require consideration. I would strongly urge upon the Hon'ble Members to allow this Bill to proceed to the Select Committee. It is possible that in the Select Committee many changes may be made. If many changes are made, then the Bill can be further circulated for opinion. In this connection there is just one point I would wish to urge. The Hon'ble Mr. Craik has shown some heat—pardonable heat—in commenting on the action of certain members of the Council in regard to this Bill. The Hon'ble Mover pointed out that the Bill was intended to give effect to a resolution which had been passed by this Council, that it was circulated for opinion to all the non-official members of this Council and that all the Members who replied—all replied except two—supported the principle of the Bill. Therefore the Hon'ble Mover, I think, had some reason to complain and Government also has some reason to complain of the opposition which has suddenly sprung on the Bill in Council to-day. I might mention that the Bill was not circulated to local bodies for opinion for this reason that the representatives of local bodies on the last Council unanimously had accepted the principle and also that the representatives of District Boards and Municipalities on the present Council had approved the principle in their opinions which they sent on the Bill. As the representatives of local bodies who had replied, had supported the principle of the Bill, we naturally considered that the rural constituencies or the urban constituencies which they professed to represent were of the same way of thinking. If there were a general

[*His Honour the President ; Pandit Jowahir Lal ; Mr. Craik ; Mr. Thompson ; Mr. Fazl-i-Hussain ; Raizada Bhagat Ram ; Rai Bahadur Ram Saran Das.*]

feeling of opposition not only in the rural but also in the urban areas to which this Bill may be applied, it was surely the duty of the Hon'ble Members to bring it to the notice of Government at an earlier stage. That is surely the least that Government has a right to expect from the representatives of those constituencies in this Council.

"I would therefore ask the Hon'ble Members not to press their opposition to the Bill so as to prevent its going to the Select Committee. The Bill will be examined in detail in the Select Committee. It may be considerably altered in deference to the wishes and views of the Hon'ble Members which have been put forward. If it is considerably altered, it will be the duty of Government again to circulate the Bill and obtain on the altered Bill the views of all concerned. I think we may fairly assume that the Bill, if it finally becomes law will be one that will be used solely for the maintenance of law and order in this Province, and at the same time it will in no way be of a repressive nature. I may again repeat the fact that this Bill is an emergency measure. Government realised the necessity of having an emergency measure of this kind for dealing with serious crises which may arise in circumstances such as I have just described and such as those which the Hon'ble Member in charge has described. The Hon'ble Members of this Council will be taking upon themselves a very serious responsibility if they refuse to allow this Bill to go to the Select Committee and being adequately considered."

The Hon'ble Pandit Jowahir Lal :—

"Your Honour,—I beg permission to say a few words in order to explain the grounds on which the opposition is based."

His Honour the President :—

"The Hon'ble Member is not in order."

The motion that leave be given to introduce the Bill was put and carried by 17 to 7.

The Hon'ble Mr. Craik :—

"Your Honour,—I beg to move that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. Gracey, the Hon'ble Mr. Halifax, the Hon'ble Sardar Bahadur Partab Singh, the Hon'ble Khan Sahib Mirza Ikram Ullah Khan, the Hon'ble Raizada Bhagat Ram and myself."

The Hon'ble Mr. Thompson :—

"I beg to propose, Sir, that the Hon'ble Rai Bahadur Chaudhri Lal Chand and the Hon'ble Sardar Bahadur Gajjan Singh be added to the Select Committee."

The Hon'ble Mr. Fazl-i-Hussain :—

"I second it."

The Hon'ble Raizada Bhagat Ram :—

"I support it."

The Hon'ble Mr. Craik :—

"I should be glad to have the services of these two Hon'ble Members on the Select Committee."

The Hon'ble Rai Bahadur Ram Saran Das :—

"Your Honour,—As Your Honour has just said that this is only an emergency measure, I beg to support the motion that this Bill be referred to a Select Committee. I defer my further remarks till the report of the Select Committee is received."

[*Sardar Bahadur Sardar Gajjan Singh.*]

The motion that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. Gracey, the Hon'ble Mr. Halifax, the Hon'ble Sardar Bahadur Sardar Partab Singh, the Hon'ble Khan Sahib Mirza Ikram Ullah Khan, the Hon'ble Rai Bahadur Raizada Bhagat Ram, the Hon'ble Sardar Bahadur Gajjan Singh, the Hon'ble Rai Bahadur Chaudhri Lal Chand and the Mover, was put and carried.

THE JUVENILE SMOKING BILL.

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

" Your Honour,—It is not necessary for me to repeat here what I said two years back, at the time of introducing the Juvenile Smoking Bill in this Council as regards the evil effects of tobacco and cigarette smoking. Medical opinion is unanimous on the point, and eminent physicians all over the world have deprecated the habit in as strong a language as possible.

" Thus, it was quite natural that your Honour's Government should express their whole hearted sympathy with the objects of the Bill. When in 1916, I moved for leave to introduce the Bill in this Council, the Hon'ble Mr. Craik assured that Your Honour's Government had every sympathy with the objects of the Bill, and that it was disposed to think that there was force in the contention that the habit of smoking among juveniles was on the increase.

" The only uncertainty was about the demand of the public for such legislation. The Hon'ble Mr. Craik said : ' Government has no precise information on the subject, and has still to be convinced that the public opinion would favour a legislative measure on the lines of this Bill.' Accordingly my motion to introduce the Bill was accepted and the Bill was circulated for public opinion.

" I inform this Council with genuine pleasure that the opinions so far received have satisfactorily supported the Bill. Please allow me to quote some of the important opinions of the Government Executive and Judicial Officers. The four Hon'ble Judges of the Chief Court who expressed their opinion on the point have supported the Bill. The Hon'ble Mr. W. Chevis, Judge, Chief Court, wrote, ' The object of the Bill is no doubt excellent.' The Hon'ble Mr. A. B. Broadway, another Judge of the Chief Court said, ' Doubtless the measure is a salutary one.' The Hon'ble Mr. Justice Scott-Smith writes ' I agree that smoking is injurious to persons under 16 years of age.' The Hon'ble Mr. Justice W. A. LeRossignol writes, ' I have no particular objection to the Bill.' Coming to the executive officials, Mr. C. H. Atkins, Commissioner, Ambala Division, wrote, ' As to the general principle I agree.' Similarly Mr. E. Sheepshanks, Deputy Commissioner, Lyallpur, wrote, ' The Bill, if passed into law, will, it is believed, protect the health of youth from the pernicious effects of tobacco smoking.' Lieutenant-Colonel F. Popham Young, Commissioner, Rawalpindi Division, is not less sanguine. He says, ' The Bill, if passed into law, cannot, I think do any harm. It may do good.' Mr. B. N. Bosworth Smith, Deputy Commissioner, Gurdaspur, has the same opinion. He wrote, ' I think the provisions of the proposed Bill, to prevent juveniles from smoking tobacco, to be excellent.' Mr. H. P. Tollinton, Deputy Commissioner, Lahore, well remarks, ' Any legislation in the direction of disciplining the young is specially salutary in India where the weakness of parental control forms a grave political and social danger.' Colonel Powney Thompson, Commissioner, Multan, Mr. F. H. Burlon, Deputy Commissioner, Simla, Mr. E. R. Abbott, Deputy Commissioner, Sialkot, Major C. H. Buck, Deputy Commissioner, Muzaffargarh, Mr. H. D. Watson, Deputy Commissioner, Jullundur, Mr. W. S. Hamilton, Deputy Commissioner, Gujranwala, Lt.-Col. A. E. Barton, Deputy Commissioner, Rawalpindi, Mr. J. A. Fergu-

[*Sardar Bahadur Sardar Gajjan Singh.*]

son, Deputy Commissioner, Montgomery and Mr. H. A. Smith, Deputy Commissioner, Dera Ghazi Khan, all of them, officers of standing and experience, support the Bill in quite unmistakable terms."

"As Mr. H. A. Smith, Deputy Commissioner of Dera Ghazi Khan, has remarked, the measure is primarily one for the Indian opinion. Here, I am glad to say, I have received quite unanimous support in favour of the Bill. Kanwar Raghbir Singh, Officiating Deputy Commissioner of Ferozapore, Sheikh Asghar Ali, Deputy Commissioner of Ludhiana, Missar Jawala Sahai, Officiating Deputy Commissioner of Multan, and Nawab Khuda Bakhsh Khan, Officiating Deputy Commissioner of Jhelum, have expressed that there was a great desirability for the adoption of the measure. Leaving one or two gentlemen aside, no Indian who was consulted by the Government expressed any adverse opinion against the Bill.

"Amongst the European Deputy Commissioners, as already stated a great majority of them have expressed their opinion in support of the Bill. The few, they are about seven, I think, who have expressed themselves against the Bill, with the exception of the Deputy Commissioner of Amritsar, seem to belong to out of the way districts, where public opinion is yet not very strong. I have also my fears that some of these latter might have expressed their opinion on the novel ground advanced by the Deputy Commissioner of Kangra that the Statements of Objects and Reasons given on the Bill could hardly be accepted by a Government, many of whose members were moderate smokers. Whatever might be the case with these dissentient voices, it is certain that these are very feeble and have not sufficient backing from the Indians themselves. Mr. E. A. Estcourt, Deputy Commissioner, Gurgaon, while expressing himself against the Bill had to write to the following effect, 'I must admit that in giving this opinion I am acting in opposition to the opinion of nearly all Indian gentlemen with whom I have spoken on this subject.' Similarly, though Dewan now Raja Narindar Nath, the Deputy Commissioner of Hoshiarpur, has written against the Bill, but the opinion of the three leading Indian gentlemen, Rai Bahadur Sham Dass, Mr. Abdul Aziz, Bar-at-law, Sardar Amar Singh, District Inspector of Schools, who were consulted in Hoshiarpur by him, have given their full support to the measure.

"I am tempted to quote here, though very briefly, the opinion of some of the Indian officials themselves. These will help to clear all doubts as to the extent of the evil and volume of the public opinion behind the Bill.

"The able and popular Deputy Commissioner of Ludhiana, Shaikh Asghar Ali, thus expresses himself on the subject, 'I am in favour of the juvenile Smoking Bill. My experience is that habit of smoking among juveniles is on the increase. I have personally noticed guardianless boys of tender age, belonging to good families, smoking cheap cigarettes, and it is with difficulty that I have resisted the impulse of snatching the cigarette and giving a smash to the boy.

"Nawab Khuda Bakhsh Khan, Deputy Commissioner of Jhelum, has this to say on the point, 'The consensus of opinion is to the effect that the proposed legislation will prove very beneficial in preventing juveniles from smoking to a great extent. The evils of smoking are too well known to the people and the public opinion is in favour of the step taken by the Government.' Another Indian consulted by the Government writes, 'The usefulness of the Bill is quite evident. It is becoming quite a fashion amongst boys to smoke cigarettes.

"I admit that one or two Indian officials have written against the Bill, and a few European Deputy Commissioners also, but their opinion be-

[*Sardar Bahadur Sardar Gajjan S.*]

comes quite insignificant when it is compared with the great volume of opinion in favour of the Bill.

" Under the circumstances I am at a loss to understand how both the Financial Commissioners and the Commissioner of Lahore Division have arrived at the conclusion quite at variance with the public opinion which they too had to admit in so many words, was on the side of the Bill.

" So far about the public opinion expressed by or through the Executive heads of the various Districts in the Punjab. Now let me consider the public opinion as expressed directly by public bodies through the press and platform, and through direct representations.

" Here the opinion in favour of the Bill is even more clear and emphatic than in the case of the official views.

" The Chief Khalsa Diwan, Amritsar, The Temperance Society, Amritsar, Temperance Federation, Amritsar, The Temperance Association, Lahore, The Temperance League, Lahore, The Temperance Association, Dholotea, The Young Men's League, Sargodha, The Teachers' Association, Rawalpindi, The Head Masters' Association, Lahore, The Head Masters' Association, Jullundur, The Arya Samaj, The Dev Samaj, The Brahma Samaj, and many other bodies too numerous to detail, have strongly expressed their support to the Bill. Though Punjab Hindu Sabha has expressed itself against the legislation, yet, as I would show later on, Hindu public opinion entirely agrees with me. The Secretary of the New Muslim League has expressed himself against the Bill; but the more influential Muhammadans of the Punjab have supported the Bill as strongly as it was possible for them to do.

" A mass meeting was held in Lahore; it was presided over by the Hon'ble Mian Khan Bahadur Muhammad Shaffi, C.I.E., and amongst the conveners were Haji Shams-ud-Din, Secretary, Anjuman Himayat Islam, Dr. Mirza Yaqub Beg, Secretary, Anjuman Ishait Islam, Muhammad Bashir Ali Khan, General Secretary, Anjuman Islamia, Punjab, Mosin Shah, B.A., Secretary, Kashmiri Conference.

" Educational authorities all over the Punjab, Head Masters and Inspectors, have supported the Bill unanimously, and expressed their opinion in its favour.

" I am also informed that a mammoth representation, signed by 10,000 influential persons, has been sent to the Government by Mian Charagh-ud Din, 'Raushan,' who has rendered very valuable services in the cause of Temperance, supporting the objects and provisions of the Bill. The representative character of the Memorial can best be judged by the select list of about 150 names. But I do not intend to trouble the Council by reading out these names as a list has already been circulated to the Hon'ble Members; who no doubt will go through it very carefully.

" Of the scores of meetings which have been held in support of the Bill, it is remarkable that never a single dissenting voice was ever expressed; and as far as I know not a single public meeting has been held anywhere in the Punjab against the Bill.

" The Punjab Press, both English and Vernacular, has whole-heartedly supported the measure. With the exception of 2 or 3 papers and one or two anonymous letters, all have stood by the Bill. Leaving the Sikh papers aside, which have an important voice of their own, the *Tribune*, the *Punjab*, the *Bulletin*, the *Paisa Akhbar*, the *Alasar*, the *Am*, the *Rajput Gazette*, the *Vakil*, and most of other Indian papers, have written, so very often praying the Government to help the passing of the Bill into an Act.

[*Sardar Bahadur Sardar Gajjan Singh.*]

The educated classes of the Punjab have expressed themselves many times in the *Tribune*, which devoted special attention to the Bill. It published for a long time, day after day, letters from different parts of the Punjab and elsewhere supporting the Bill.

"The public opinion as represented in this Council, was well expressed by the late Hon'ble Sir P. C. Chatterjee. The venerable old gentleman while supporting the Bill, remarked: 'I consider myself that the Bill is of a wholesome character and will introduce some sort of order among juveniles, and on that ground leave should be given. My own personal experience is that probably the vice of smoking among the juveniles is on the increase. In some parts of the Punjab I have seen little boys of 4 or 5 years beginning to smoke and have wished to snatch what they had out of their hands.' The other Members of the Council also supported me in suitable words at the time of the introduction of the Bill.

"Your Honour, I have stated at some length the great volume of official and non-official opinion in order to lay before the Council the necessary information to convince the Hon'ble Members and the Government that public opinion in the Punjab is greatly in favour of a legislative measure on the lines of this Bill.

"Please permit me now to pass on to the several provisions of the Bill itself. In certain quarters the very draft of the Bill has been objected to on its merits as a draft. I may inform the Council that I do not claim any originality in the matter of the drafting of the Bill. The Bill, as it is before the Council, was mainly drafted on the lines of the Children Act of 1908, of the United Kingdom. But I have no special prejudice as regards the defects in the drafting of the Bill. I hope in the Select Committee it shall be so improved as to satisfactorily meet all reasonable objections against it.

"Statement of Objects and Reasons remains almost quite unopposed. There is only a solitary voice against the objects of the Bill. My only reply is that here too I do not claim any originality on my part. I have stated what is regarded as the best medical opinion of the whole world, and those who say anything against it arrange themselves against the whole of the medical profession, and display their own ignorance rather than any sound reasoning.

"As to the preamble, it has been suggested that pipe smoking should also be included. I have absolutely no objection to it.

"Again as regards clause 1, it has been said that the Bill should be so modified as to leave its application to various areas at the discretion of the Government, and that in the beginning only large and important towns should be brought under its operation. My information and experience is, and a large portion of the public opinion is with me, that the evil is fast spreading in rural areas, and the best course is to nip the evil in the bud where it is alleged it has not yet grown considerably.

"Some minor modifications are suggested in section No. 2; these too I hope will be considered by the Select Committee.

"In clause 3 the word 'apparently' has been much objected to. The word has been taken from the English Act. It is also to be found in sections 29 and 62 of Act I of 1914, of the Punjab Legislative Council. The section 29 runs, 'no licensed vendor and no person in the employ of such vendor or acting on his behalf shall sell or deliver any liquor or intoxicating drug to any person *apparently* under the age of 18 years whether for consumption by such person or by another person and whether for consumption on or off the premises of such vendor.'

[*Sardar Bahadur Sardar Gajjan Singh.*]

“Then section 62, clause (2), is as follows :—

“ If any licensed vendor, or any person in his employ or acting on his behalf in contravention of section 39 sells or delivers any liquor or intoxicating drug to any person *apparently* under the age of 18 years, he shall in addition to any other penalty to which he may be liable be punishable with a fine which may extend to five hundred rupees.’

“ It is only by appearance that the dealer in tobacco, etc., can know of the age of the juvenile, moreover, the shopkeeper must have some reasonable latitude. He should not be punished for innocent and unintentional mistakes. The word *summary* has also been much criticised. I am prepared to withdraw it. The words *for his own use or not* have also been objected to, it has been said that poor parents who employ their children in buying tobacco, etc., shall have to suffer some inconvenience. Any consideration of such a plea will defeat the very purpose of the Bill. The remarks of the Deputy Commissioner of Simla and section 29, referred to above, are to the point. Regarding this, the Deputy Commissioner says, ‘ *I would not amend section 3 of the Bill except to cut out the words ‘apparently’ and cigars, cigarettes or’*. It will be impossible for a shopkeeper to tell whether a boy is purchasing tobacco for his own use or for the use of others, and if the amendment were adopted the shopkeepers would always have reasonable excuse for making sales to minors. A little inconvenience on the part of the parents should not be allowed to stand in the way of a reform which so vitally concerns the health of our young generation.

“ Objection has been raised as to the age limit. Some suggest to lower it and others to raise it. In England it is 16 years, and I have adopted the age in the Bill from that source. I hear same is the case in other western countries. In Bengal they want to make it 21 years ; in Patiala and Sirmur it is 18. I would like to have it raised as high as possible, compatible with the liberty of the adults who have reached the age of majority. As long as our boys require outside protection, they should be kept under the check provided by the Bill.

“ Another objection is raised against the agency to be employed under the Act. It has been suggested that ordinary police constables should not be entrusted with such powers. Certain imaginary and fanciful grievances have been brought forth to belabour this class of Government servants. I do not mean to be understood that every police constable is a saint, but when it is seriously suggested by the Financial Commissioners that the Bill, when passed, would become an instrument of oppression in the hands of the police, and extreme cases are produced to support the contention, I must say that such a reasoning is far from convincing. Punjab Police notwithstanding its critics, has done wonderfully well in the last few years to protect the person and property of the King's subjects. It is daily improving in its sense of duty ; and when the power of seizing tobacco and cigarettes, etc., is entrusted to the Head Constable, as is already the case with liquor and other intoxicating drugs and also to other respectable gentlemen like Zaildars, Numberdars, Municipal Commissioners, etc., there should be left no misgivings in the mind of this Council that the powers given under the Bill would be extraordinarily misused. Juvenile Smoking Bill or no Bill, those who are bent on doing mischief they will continue to do so in one hundred other ways open to them. This Bill should not be condemned simply on the ground of such rare instances. I may also clear the misapprehensions of the Financial Commissioners that my Bill shall not apply to the fair sex. In the Punjab the evil has not any hold amongst the girls

“ Exception has also been taken against clause (b) of clause 5. Suggestions have been made that the article seized under the Act should be

[*Sardar Bahadur Sardar Gaijan Singh.*]

destroyed then and there instead of taking it to the police station. This too shall receive the careful attention of the Select Committee.

" Certain other amendments of minor importance as to the proper wording of the Bill have been suggested; and it has also been suggested to definitely lay down in the Bill, the prosecuting agency and its functions. I have no desire to anticipate the work of the Select Committee here. Simply I wish to assure this Council, once more, that all such suggestion would receive a very careful consideration at the hands of the Committee.

" Leaving these technical objections to the care of experts who shall consider the Bill in the Select Committee, I now come to the general grounds urged against the Bill.

" The objection, though not a serious one, that comes to my mind before all others is that why it has fallen to the lot of a Sikh, whose community is well known for its non-smoking habits, to move this Bill. My reply to this objection is that the Bill in the hands of a smoker would not have received the same moral support as it does now. I may also remark that the agitation against the evil did not emanate from the Sikh community. Government had been receiving resolution after resolution from the various Temperance Associations of the province. It was in reply to a resolution of a representative meeting, held at Amritsar, of the Temperance workers of the Punjab and North-West Frontier Province that Government suggested that the Bill should be taken up by a private Member. My only fault is that I took up the suggestion and introduced the Bill in this Council.

" From the proceedings of the Temperance Association, Amritsar, it will appear that the Punjab Hindu Sabha, All-India Khatri Conference, Ahl-i-Hadis, Rajput Mehar Sabha, Dev Smaj, All-India Tibya Conference and many other non-Sikh Associations were already strenuously working in this direction. I would request the members to consider the Bill on its own merits without dragging in unnecessary and irrelevant matters. I may once more quote on the point the wide-awake Deputy Commissioner of Ludhiana. It may be noted that he is a Muhammadan. In his opinion to the Government he said: ' It is true that smoking is strictly prohibited in the community to which the Hon'ble introducer of the Bill belongs. But if no Hindu or Muhammadan Member has so far had the courage to do anything, that is hardly a reason why we should not welcome a Sikh member's honest attempt to grapple with the evil.' The other day a Parsi gentleman, the total population of whose community is infinitesimal, had to introduce a resolution in the Imperial Council regarding the condition of depressed classes of Hindus and Mussalmans, as the latter would not stir in the matter.

" I do not wish to say anything more in the matter except that one of the mass meetings of Lahore already referred to by me in the first portion of my speech was convened by the representative leaders of Hindus and Muhammadans; and that the Member who has introduced a similar Bill in the Legislative Council of Bengal is a Muhammadan.

" It is also urged that the measure will be the cause of friction between the public and the police. The measure has not been the cause of friction between the public and the police outside India. It has produced absolutely no unpleasantness in Patiala, Nabha, Faridkot, Hyderabad, Baroda and other Indian States. It seems strange why the Punjab should have special apprehensions on that account. The Punjabees are well known for their obedience to law. When the measure is passed they are sure to obey it in a law-abiding spirit. It will, I am confident, be in very rare cases that the police shall have to interfere

[*Sardar Bahadur Sardar Gajjan Singh.*]

"Another objection that has been raised against the Bill is that social evils should not be remedied by penal laws. Such a reasoning looks quite antiquated in the 20th century. The Indian Penal Code is full of penal laws against social abuses. Even in the Punjab we have already on the statute book a penal law in the shape of Act I of 1914, more stringent than the one I desire to be enacted. It is against the use of alcoholic drinks and intoxicating drugs like charas, bhang, ganja, etc. Those who regard the measure as one on quite new lines in the Punjab, seem to be ignorant of this fact. We have already passed legislation against the less-used drug; it is all the more necessary that the evil which is, according to the recognised Indian opinion, eating into our very vitals, should be treated on equal footing.

"It is proposed, I admit, with good intentions, that the evil should be left entirely to the public opinion of the country to deal with it; and that no trespass should be made on public liberty. I wish I could have shared such pious hopes and aspirations; but unfortunately in India public opinion is not sufficiently strong voluntarily to suppress such evils. Even in western countries where public opinion is so strong, where the love of individual liberty is proverbial and the countries are known as the homes of liberty, they are obliged to have recourse to penal laws to uproot many of the social evils, tobacco smoking among juveniles being only one of them. To expect public opinion to do what has not been possible for it to do in the western countries, is to expect something miraculous from the Indian public.

"To wait any more for the public opinion to assert itself in this direction of voluntary suppression, would mean the postponement of a beneficial and urgent reform. British Government had not waited for such a public opinion in the case of the suppression of *sati*, infanticide and many other evil customs; and the whole country is grateful to them for their bold action. Why should this reform, specially when the public opinion is overwhelmingly with the Government, be delayed any more?

"The Bill may not prove so efficacious as to totally root out the evil of smoking from amongst juveniles, and this is always the case with similar measures; but it is sure to do a lot of good. Our boys, instead of smoking publicly and very often, as they do at present, may be driven as has been suspected by some—a suspicion which I do not share at all, to smoke secretly; but that too obviously they would be able to do in very rare cases. After the Bill is passed, even those who may continue to smoke shall have the ever present idea in their mind that they are doing something criminal. This idea is sure to react on their conscience and help them in their self-reform.

"One other gain will be that there will be few chances, after the passing of the Bill, for the innocent to follow the example of those of their friends who now publicly indulge in the habit. It is a well-known fact that vices of this sort are mainly acquired by the example of others. The Bill is sure to prove very beneficial in this respect.

"Your Honour, it may not be understood that I am unmindful of the difficulties in the practical working of the Bill. None is more conscious of them than I myself. But these difficulties should not deter us from taking a step which we regard is in the best interests of our country. For the good of the people, British Government has often surmounted difficulties and obstacles of a very serious nature. The difficulties in the present case are not of a nature to oblige us, as has been suggested by some, to throw down our guns, raise our helpless hands up, and silently see our children contaminated and ruined by an evil which we could have controlled if we had only wished to do so.

"Your Honour, the health of the nation has ever been of the greatest importance in the struggle for existence. It is even more so in this age when

[*Sardar Bahadur Sardar Gaijan Singh.*]

the struggle is grown so deadly and persistent. The health of the nation directly depends upon the health of the children. It has been proved beyond doubt by eminent authorities that this health is greatly vitiated by tobacco and cigarette-smoking. The Government of India in reply to a question by the Hon'ble Malik Umar Hayat Khan, Tiwana, in the Imperial Council, admitted that the evil of smoking was on increase in this country. These educational authorities in the Punjab, the Hindu and Muhammadan leaders and public, almost all the Indian and a preponderating majority of the Government officials admit that the evil is there in the province and requires urgent suppression. It is now with your Honour's Government to help the measure which was been admitted to be useful for the purpose. The Punjab Government has so far treated the question with great sympathy; but now the time is come when this sympathy should be translated into fruitful action.

"United Kingdom, Japan, many of the British Dominions and American Colonies, and several of the Indian States, like Baroda, Patiala, Nabha, Mysore, Faridkot, Maler Kotla and Hyderabad have passed similar measures for the protection of their children. I believe, that the enlightened ruler of Nabha State has also lent the great weight of his experience and authority to the support of this measure, by personally writing to Your Honour in this connection. Other parts of India are watching this measure with anxiety; and in the Bengal they have already launched a Bill for this purpose. With such precedents, I see no reason why the benevolent hands of the Punjab Government should not be extended for safe-guarding the health of the young generation with greater courage than before.

"Your Honour, it was in December 1899 that the House of Representatives in Tokio discussed and passed a measure of this sort for their country. During the discussion, one of the members said:—

'If we expect to make this nation superior to the nations of Europe and America, we must not allow our youths in the common schools who are to become the fathers and mothers of our country in the near future to smoke. If we desire to cause the light of the nation to shine forth over the world we ought not to follow the example of China and India.'

Your Honour, it is indeed shameful for us that we should be thus pointed at by other countries. In Your Honour's reign and under Your Honour's beneficent rule, this province has risen to the highest pedestal of glory. Your Honour has done so much for us that we have acquired quite an enviable position in the eyes of the British Empire. Your Honour's Government can do still further good by uprooting the canker of tobacco and cigarette-smoking from amongst the future generations of the province; and can easily save us from the shame and degradation of which we are being accused on account of this vice.

"Before Your Honour, Punjab was known as the sword hand of India. In Your Honour's time its forces have, as Lord Curzon points out in a recent book dealing with the work of the Indian Army in Europe, won the proud distinction of being the saviours of the Empire. I expect Your Honour's help to let us keep the position we have won with such tremendous sacrifices. If the evil is not checked the results are sure to be very bad. The position which the sturdy sons of the Punjab have won with the sweat of their blood, will be ingloriously lost by the inaction of imbecile future generations of this province, under the pernicious effects of nicotine.

"I am not drawing an exaggerated picture. It was this reason that obliged the Japan assembly to pass a similar Bill for the protection of the

[*Sardar Bahadur Sardar Gajjan Singh ; Khan Sahib Mirza Ikram Ullah Khan.*]

health of their children. During the discussion, I have just referred to Mr. J. Kidama delivered himself to the following effect :—

“I heard from an American gentleman that in his country a large number of volunteers for the army service were rejected on account of the weakness of their hearts and the chief reason assigned for this defect was their habitual use of tobacco. I do not need to say any more from the educational standpoint, but if our youths are to become unfit for Military service by the use of tobacco it is alarming. By all means let us stop the use of tobacco by young persons.

“Your Honour, under the circumstances I appeal to you and your Council to save the fair name of this province from such a ruinous result. I appeal to Your Honour in the name of the British Raj which has showered so many other blessings on this country ; I appeal to Your Honour in the name of the temperance cause which is equally dear to every religion and community, Hindus, Muhammadans, Christians and Sikhs ; I appeal in the name of all the educational authorities of the province who are unanimous in condemning the evil ; I appeal in the name of the intelligent guardians and parents of the children who feel almost helpless in the matter ; and, finally, I appeal in the name of our young and dear children themselves who are ignorant of the harm the evil is doing to them and whose health is being daily undermined before our very eyes.

“With these remarks, Your Honour, I beg leave to move that the Bill be referred to a Select Committee consisting of the following gentlemen :—

The Hon'ble Mr. Gracey.

The Hon'ble Mr. Craik.

The Hon'ble Colonel Hendley.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.

The Hon'ble Rao Bahadur Chaudhri Lal Chand and the mover.”

The Hon'ble Khan Sahib Mirza Ikram Ullah Khan :—

“Your Honour—I beg to enter my strong protest against the Bill before the Council, while sympathising with the object of the Bill which is no doubt praiseworthy. I doubt the wisdom of trying to gain that object by means of the introduction of the Penal Law. It is most deplorable for the leaders of the people to make humiliating confession that they have lost all control over their own children and that even in the matter of their good breeding of their children they have no other alternative but to come with folded hands before the Government and beg for a Penal Law to reform the morals of their own minor sons and daughters. People who claim to govern and control the destinies of a great nation composed of heterogenous masses must at least be logical and consistent and must not in the same breath while advocating the cause of Home Rule and self-Government confess their inability to control the minor members of their own limited household. It is not only on the matter of principle that this Bill must be condemned, the language of the Bill is indefinite, vague and uncertain as has been shown by the majority of the public officers who have officially addressed the Government on the subject. It will prove to be a source of friction between communities and individuals, a cause of conflict between the police and the public, the weapon of taking revenge for mischievous persons, a cause of trouble to the juveniles by their being dragged from bazars to the thana and from thana to court for giving their evidence in cases under the Bill and their persons being searched for finding out tobacco, a shield for men of bad character to tease boys and girls in the bazars and make the juveniles and their guardians accused of obstructing and attacking Government servants. The Bill stands condemned from the Hon'ble the Financial Commissioners of the Punjab

[*Khan Sahib Mirza Ikram Ullah Khan; Rai Bahadur Ram Saran Dass.*]

downward to the majority of the Deputy Commissioners in the Punjab, it stands condemned by the heads of the Police Department, it stands condemned by the senior judges of the highest tribunal in the Province, it stands condemned by the two provincial associations of the Hindus and the Moslems of the Province who represent the two communities in the Punjab and also by other prominent Hindu and Muhammadan societies. At the time of its introduction the Bill did not receive the unqualified support of the admitted leader of the Hindu community in the Province, the late lamented Sir P. C. Chatterjee and it has been strongly condemned by his successor the illustrious Raja Narendra Nath, the present leader of the Panjabi Hindus. A very great majority of the Muhammadans suspect this measure as the thin end of the wedge for further legislation with the object of enforcing religious doctrines of the followers of one religion upon the followers of other religions. The suspicions may be groundless but the fact remains that there are suspicions. Apart from the juveniles the Bill if passed will be a source of greatest inconvenience to the poor old parents who have got the habit of smoking. Imagine the deplorable condition of a very poor old blind or invalid male or female smoker who sends his minor son or daughter to fetch a piece of tobacco from the bazar and imagine the indignities to which the minor boy or girl will be suspected. Does the Bill provide for providing adult servants for such poor people? Is an habitual smoker under such circumstances to be expected to bid good-bye to his old habit which has become a second nature? The habit of smoking among juveniles is bad but the measure adopted by this Bill is worse. It is no exaggeration to say that the proposed cure is worse than the disease. It is very easy to have a mahzarname signed by some over-zealous temperance gentlemen or by a number of others under their influence in a temporary impulse of social reform, but any thoughtful Panjabi who gives his serious attention to the Bill will have no alternative but to offer his unqualified opposition to the Bill. My friend the Hon'ble Sardar Bahadur Gajjan Singh will be well advised to withdraw the Bill which has caused suspicions and misapprehensions among the people on account of the initiative being taken by a Sikh gentleman. If this is not alone I have only to vote against the present motion of referring the Bill to a Select Committee and to move that the Bill be dropped. Your Honour is well aware of the fact that after all the officials will be responsible for carrying out a law if the Bill is passed. It will be calamity for the people if the official members are directed to give a mute vote in the matter. It is therefore fervently hoped that Your Honour will be graciously pleased to see that Home Rule principles be not introduced in this Council with reference to this matter and the lips of the Hon'ble official members may not be sealed and that they may be permitted to give a free vote in the matter. I appeal to Your Honour and the Hon'ble Members' personal experience to see whether any death caused as yet on account of excessive smoking, but it is a common thing that many deaths occurred due to excessive drinking. It would be a matter of great relief and satisfaction to me if the Hon'ble Member—the mover of this Bill—had spent his valuable time and energy in introducing that Bill with a view to save many people as he has dealt with the present Bill before the Council. With these few remarks, Your Honour, I oppose this Bill."

The Hon'ble Rai Bahadur Ram Saran Das :—

"Your Honour,—I entirely support the principles underlying the Bill. This habit of smoking prevalent among juveniles ought to be put down, and I would be very glad if means could be devised for remedying this evil. I am, however, not sure how far the provisions of the proposed Bill serve the purpose. As has been observed by several officers of experience, great care

[*Rai Bahadur Ram Saran Das ; Mr. Craik.*]

should be taken to avoid friction between the police and the public. We should also see that it should not become possible for the provisions of the proposed Bill to be abused. I hope the Select Committee appointed to consider the Bill will take all these matters into consideration, and remove such defects as exist in the draft. I don't know in what shape will this Bill emerge from the Select Committee. I therefore, postpone my remarks on the details of the Bill till that stage. For the present I support the motion of the Hon'ble Sardar Bahadur Gajjan Singh for referring the Bill to a Select Committee."

The Hon'ble Mr. Craik :—

"Your Honour,—Before this debate proceeds further it would perhaps be convenient if I explain briefly what attitude Government is taking up. When the Hon'ble Member introduced this Bill nearly two years ago I stated that the attitude of Government was one of benevolent neutrality. I pointed out then that Government, though disposed to think that the habit of smoking among juveniles was increasing, had no precise information on the subject, and would therefore not oppose the motion that the Bill should be circulated in order to ascertain public opinion. Later on after the Bill had been circulated and the opinions considered by Government, I wrote to the Hon'ble Member and asked him whether in view of the wide divergence of opinion, official and non-official, he considered it advisable to proceed further with it. I told him that if he wanted to proceed further with it, Government would have to consider whether, in deference to views of the large body of opinion that is hostile either to the principle of the Bill or to the provisions of the present draft it should not oppose any further steps for passing it into law. I told him that Your Honour considered that the object, which the Hon'ble Member had in view and with which Your Honour had expressed sympathy, might perhaps be better obtained either by a system of licensing at nominal rates, all tobacco shops, one of the conditions of the license being the prohibition of sales to juveniles, or by taxing cheap and deleterious cigarettes. Either method, I told the Hon'ble Member, would be far less likely to cause friction than the Bill under consideration. And I added that Government would be prepared to consider which of the two was best adapted to the circumstances of the province.

To that letter the Hon'ble Member replied after some time that he did not wish to proceed with the Bill for the present. There the matter rested till the present motion was tabled. Government's attitude at the time was indefinite. Government saw the various objections to the Bill and thought the measure a distinctly controversial one. However, since then a large number of representations from various persons and societies in favour of the Bill have reached Government, and Government believes that this matter is one in which it should be guided by public opinion. It will not therefore oppose this motion that the Bill should be referred to a Select Committee, and it will leave the official members entirely free to vote or to speak on the motion according to their personal predilections.

"I may add a word or two of my own personal views, not on behalf of Government but speaking entirely as an individual. For myself I shall not oppose the motion, but I assume that attitude not because I like the Bill but because I do not wish to oppose what may conceivably be a genuine popular demand. Moreover, my high regard for the mover and my admiration for his reforming zeal make me too reluctant to vote against the motion, though on the other hand I admit I felt inclined to oppose it when I heard that the Hon'ble Member proposed that I should be a member of the Select Committee. That is a position which I do not at all envy. However, on the whole I have come to the conclusion that my proper course is not to oppose this motion.

[*Mr. Crail; Diwan Bahadur Daulat Rai; Rai Bahadur Chaudhri Lal Chand; Pandit Jowahir Lal.*]

"There are, however, in my opinion defects in the Bill as it stands. Clause 3, I think, is on the whole right in principle. It makes the individual who sells or gives tobacco to a juvenile liable to punishment. I am doubtful about clause 4. I picture to myself the Hon'ble mover of this Bill, who is a lambardar, I think, or if he is not he ought to be, chasing a cigarette-smoking urchin round the Clock Tower of his native city Ludhiana, not a very dignified spectacle, but one that is perfectly possible under this clause. Supposing he catches the boy. What can he do? Being an orthodox Sikh he would naturally not touch the cigarette. He cannot in any other way punish the boy, and I am afraid that when he catches him all he can do is to let him go. This is the kind of difficulty with which this Bill bristles. However, that is entirely a matter of my own personal opinion. As I have said, the principle underlying section 3 seems to me sound, and the Bill is quite capable of being improved with the help of the Select Committee into a practicable measure."

The Hon'ble Diwan Bahadur Daulat Rai :—

"Your Honour,—I beg to associate myself with the remarks made by the Hon'ble Rai Bahadur Ram Sarau Das, and I support the introduction of the Bill."

The Hon'ble Rai Bahadur Chaudhri Lal Chand :—

"Your Honour,—I heartily welcome the Bill not only because I am a non-smoker myself like the Hon'ble mover, but because I feel that some legislation such as is contained in the Bill introduced by my Hon'ble colleague has long been overdue, and all those who have the welfare of our youths at heart ought to be sincerely grateful to the Hon'ble mover for the present Bill.

"As to the injurious effects of smoking there could be no two opinions and the remedy proposed is most appropriate.

"The Hon'ble Mirza Ikram Ullah Khan's apprehension of its application to girls seems to be based on some misunderstanding.

"The Hon'ble mover has admitted that the Bill will not be applicable to the fair sex. I give my full support to the Bill and second the motion before the Council."

The Hon'ble Pandit Jowahir Lal :—

"Your Honour,—I rise to support the motion that has been put forward by the Hon'ble Sardar Bahadur Gajjan Singh. I was not on the Council when the Bill was introduced, but I have read all the speeches made at the time and the opinions that have subsequently been given by the various official and non-official gentlemen. I find that there is a consensus of opinion on the matter that the smoking by juveniles of tobacco in any form whatsoever or cigars or cigarettes is positively harmful.

"The only question is how to check the spread of this evil. That depends upon the nature of the evil and the proportions that it has assumed. It is now-a-days not an uncommon sight specially in big towns to find boys of tender years of 8 or 10 years of age with a cigarette in their hands taking pleasure in puffing out the smoke from their tiny mouths. The evil is steadily on the increase, and the question is whether it is to be stopped by legislation or by public opinion. I am also one of those who would like to see people trying a method free from all legislative control in such matters as far as possible. I am also conscious of the fact that Government avoids interfering in such matters

[*Pandit Jowahir Lul ; Makhdum Sayad Rajan Shah.*]

unless public opinion strongly demands a particular measure and asserts itself in an unequivocal way, but looking to the gravity of the evil and finding that that parental admonition and the ferrule of the schoolmaster have failed to accomplish the desired end and the Temperance Associations have had to invoke the aid of Government in this respect, I think the time is ripe for a legislative enactment on the point. One evil consequence of forbidding smoking by juveniles would be the strengthening of the hands of the police. I may say that there is nothing of religion in the matter of prohibition of smoking. This prohibition would be equally good for the children of all the communities, whether they are Hindus, Muhammadans or Sikhs, and the legislation under discussion would check the spread of the evil.

"As regards the provisions of the Bill itself I must say with due deference to the Hon'ble Member in charge of the Bill that it is not free from defects. It is, I think, too brief and does not go far enough. It lacks provisions which are necessary in order to effectually cope with the evil, but I need not go into details and leave them to be discussed in the Select Committee. I may point out that it requires good many modifications, additions and subtractions from its terms, and it should be so amended that it should effectually secure the object for which it was meant."

The Hon'ble Makhdum Sayad Rajan Shah spoke in Urdu, translation of which is as follows :—

"Your Honour,—Before it is decided by the Council that the Bill may be referred to a select committee, I with Your Honour's permission beg to offer a few remarks.

"At first I may be excused if I mention in the very outset a personal matter which is that not only myself and all the other members of my family totally abstain from smoking tobacco but that we consider it as an undesirable habit. My sympathy is, therefore, naturally with the party who are trying to put an end to the habit.

"Nobody will deny as stated in the objects of this Bill that among youngsters the habit of smoking is injurious or that this pernicious habit should be checked. The only point on which there is a difference of opinion is how to find the best means of checking this undesirable habit.

"The party in favour of the Bill thinks that the best way of putting a stop to this evil is the enactment of a penal law, because the parents and school-masters of the present day do not possess such a control over the children as they had in days of yore, and hence it has become expedient to ask for the aid of legislation.

"The opposite party hold, on the contrary, that it would be an entirely improper step to allow the law to interfere with the mental and moral education of children and as a principle, it would establish a very injurious precedent. The mental and moral education of children is a matter the responsibility of which should according to the divine law be limited to the care of their parents, guardians and preceptors and should be kept safe from the least external interference. If the parents, guardians and teachers of the children do not themselves discharge their duty in this respect it will then be the duty of the social reformers and religious preachers to acquaint them with their real duties and show them means for maintaining a better control and moral influence over their children, and this is the natural way of attaining that object.

"It seems to me that this argument of the opposing party has great force. I am, therefore, as a matter of principle compelled to oppose this Bill. If we (the people of this country) have become so degenerate, and sluggish as not to be able to maintain our control over our children and cannot, owing to

[*Makhdam Sayad Rajan Shah.*]

our unworthiness, exercise that natural control over children with which we have been endowed by Heaven, and if, in other words, we have become so helpless and reduced that we are compelled to implore Government for succour, saying that *our children have become very impertinent and do not listen to us and that they may be brought under our control by means of the royal sceptre*, this will surely be the climax of our national sloth, disgrace and fall. If we admit the correctness of the principle of this Bill we shall have no right to oppose any motion to pass Bills of similar kind—as, for example, there are several children who show their reluctance to attend the schools, and if they are forced out of their houses to go to school they do not go there, but wander hither and thither which is a very bad habit. Taking the Bill as a precedent if a motion be made in this Council that, as our rulers have helped us in checking our children from the bad habit of smoking, in the like manner a Bill may be passed providing a legal measure which may enjoin the attendance of children at schools and their return home. In the presence of a precedent like the Bill now before this Council we will have no reason to oppose such a measure.

“The above are the objections to the Bill on the basis of principle, but if we go deep into its provisions it appears to contain various defects, *viz.*:—

“*Firstly.*—Its wording and phraseology are very ambiguous and doubtful and do not contain the precision and lucidity which should be a necessary element of each and every enactment. As for instance, clauses 3 and 4 of the Bill contain the wordings ‘a person apparently under the age of sixteen years, etc., etc.’ Now it is difficult to understand the legal meaning of the word ‘apparently.’ The question of determining age is so difficult that when the necessity of an enquiry about it arises in civil and criminal proceedings, even medical experts of great renown and experience differ in their opinion about it. But it has been assumed in this Bill that every tobacco vendor and every such person who has been given the power to seize tobacco is such an expert in medical science that he can tell at once within five minutes after looking at the face of a child that he is of 15½ or 16½ or 17 years of age, which is quite impossible. In the rural areas especially there are certain parents who cannot tell the exact age of their children to a year or a month. Similarly, in clause 3 of the Bill the meaning of the words ‘on summary conviction’ are unintelligible. If it is meant by them that no proper evidence or proof will be called for, it would then look like a very despotie law.

“*Secondly.*—Though this Bill does not permit of the juveniles being treated as offenders, yet they will undoubtedly be called as necessary prosecution witnesses and thus their attendance in the police stations and law court will involve trouble and interfere with their studies.

“*Thirdly.*—The dishonest and inferior police officials and other bad characters and lascivious persons will make an effective tool of this law to tease and restrain boys and girls in the streets.

“*Fourthly.*—Malignant persons will concoct false cases against their opponents through the agency of their children under the subterfuge of this law.

“*Fifthly.*—As remarked by the Inspector-General of Police, Punjabs this measure would be the source of undesirable friction between the police and the public.”

“*Sixthly.*—In this Bill the children are not prohibited from smoking tobacco in their houses or in any secluded place, but the prohibition simply relates to public places only. This will not, in fact, eradicate this undesirable

[*Makhdam Sayad Rajan Shah.*]

habit, but, on the contrary, this law will lead them to think that instead of smoking tobacco openly they can continuously and safely gratify this desire in their homes or other safe places.

"*Seventhly.*—No estimate whatever has been formed of the difficulties and struggles which the persons on whom the duty of seizing tobacco has been imposed will experience while dealing with the children. The age of childhood is the age of indiscrimination and feelings of impertinence and daring are naturally predominant in that age. If any police officer, lambardar or other public servant on whom the duty of seizing tobacco has been imposed intends to seize it from a stripling and if the lad in the meanwhile attacks or restrains him, it will give rise to a case of assault or obstruction of a public servant, and there will be a probability of a fight and riot. Finally, the Bill taken as a whole will prove to be a machine for increasing litigation and dissensions and will create a great deal of harm instead of proving useful.

"It is possible that an objection may be raised on my remarks that the present stage of the Bill does not admit a detailed criticism, and that if any amendment is required in the wording and context of the Bill, it should be referred to a select committee which can amend and mould it into the desired form. But my reply thereto would be that firstly, as I have already stated, I am, as a matter of principle, against the provisions of this Bill and, secondly, after full consideration I come to the conclusion that not a single part of this machine is in order, and that it is not therefore fit for any consideration or amendment, and that it will result in nothing else than in the waste of time on the part of the select committee and this Council in discussing its merits, and that it will in the end be thrown out. The time of the Council is very valuable and should not be whiled away in dealing with unnecessary matters.

"I apologize to my Hon'ble friend Sardar Bahadur Gajjan Singh for having somewhat emphatically opposed the Bill drafted by him, but I candidly assure him that I highly appreciate the feelings with which he has introduced it in the Council. I am myself a religious person and highly respect those who are staunch adherents of their religions. It is apparent that our Sikh countrymen are not in need of such a law and the view of the Sardar Bahadur to protect the children of his Hindu and Muhammadan brethren also from the thing which he thinks pernicious and from which his caste-fellows are themselves protected by the canons of their religion is commendable. It is my heart's desire to save my countrymen from the use of liquor and other intoxicants which are unlawful according to the religious tenets of *Islam*, but the question is whether I should attain this object by means of legal help or by means of preaching, precept and moral influence.

"It has been erroneously assumed that this law will apply to the Indians only and not to the children of the Europeans residing in India as no exceptions relating to the latter are set forth in it as to distinguish them from the former, and it will be a mistake to deprive this Council of the benefit of the votes of the hon'ble official members. This matter does not relate to a dispute between the officers of Government and their subjects, and to assume that the former are not capable of giving their opinions on it or that there is no necessity for eliciting their opinions in respect of it will be a disparagement of their experience, talents and abilities and to deprive this Council of the benefit of their votes is to do injustice to the public. I therefore with great deference beg Your Honour that the official members may not be deprived of their right to vote in this matter to which they are entitled by the regulations of the Council, because both the official and non-official members have equal interests in the welfare of the

[*Mahdum Sayad, a'an Shah; Mr. Fazl-i-Hussain.*]

public and when our Government considered it necessary to elicit opinion from its officers in this matter, there is no reason why the mouths of their representatives who are the official members of this Council may be sealed with silence, and they may be ordered to sit like mute spectators in this chamber during the course of discussion on this Bill. If this law at all events be passed, its entire enforcement will be effected by the officers of Government and if they foresee any difficulties in its enforcement there is no ground why they should be debarred from opposing it. The objects of the existence of official and non-official members in this Council are limited. We are in fact united with them to form one legislative body and nothing should happen in the proceedings of this Council that may lead to demarcate a line owing to difference in class, creed or colour.

"As far as my knowledge goes the public opinion of the Hindus and Muhammadans of the Punjab supports my views. The opinions recorded by the representatives of the Punjab Hindu Sabha, the Punjab Muslim League and other respectable societies of this province which have been officially submitted to Government are in opposition to this measure. The most able and experienced Deputy Commissioners, Commissioners of the Province and the Financial Commissioner and the Inspector-General of Police, Punjab, have pronounced this measure as unenforceable and injurious. Almost all the Hon'ble Judges of the Chief Court, Punjab, who are the ablest persons to express an opinion on legal matters, have hesitated to support this measure.

"In contrast to the consensus of the opinions expressed by the officers and public of the province, a memorial signed by a hundred or a hundred and fifty respectable residents of Lahore through the agency of certain zealous advocates of the cause of temperance there is no reason to bind millions of the subjects of this province to the views entertained by the latter.

"In conclusion, primarily I request my Hon'ble friend who is in charge of this Bill that he may kindly withdraw it; but in case he disagrees with me I request the Council not to carry the motion to refer it to a select committee, and that the Bill may be thrown out in the manner in which a similar Bill has been rejected by the Bengal Legislative Council."

Here His Honour the President left the chair and the Hon'ble Mr. Maynard, Vice-President, presided.

The Hon'ble Mr. Fazal-i-Hussain :—

"Your Honour,—We have listened to a very able and well-reasoned speech from the Hon'ble Member who has just finished, and he has put before the Council in a very forcible language all the criticisms that can be levelled against the measure. I am in perfect agreement with him that we should not resort to legislation as a rule with the object of securing the abolition of a social evil. I am also in agreement with him that so far as the management of boys and home affairs—with a small 'h'—is concerned, the matters should be left to the parents, but I think it is more or less a misreading of this enactment to say that the object of Bill is to secure these objects. As has been very rightly pointed out, the Bill does not say that if a boy below 16 is caught smoking in his house, he should be punished by a court of law, or the person who has given him the cigarette to smoke should be punished. It seems to me that the object is simply to secure what I may call 'public decency.' The only object the enactment has in view is to stop the evil of seeing any boys smoking 'in streets and public places.' That is all that the Bill attempts to do. It does not attempt to stop them from smoking secretly or in private places. That is obviously within the jurisdiction of their teachers, their

[Mr. Fazl-i-Hussain ; Sardar Bahadur Sardar Gajjan Singh.]

parents and their guardians. But you cannot expect guardians and parents always accompanying their sons and wards. As 'public decency' demands, and I should say, good name of the country requires that boys should not be seen smoking about in public places, it is necessary to have some sort of measure in order to enable the people to fight out this evil. Therefore I think this criticism that this Bill is an attempt at securing some sort of help from the Government in order to combat what is primarily a private grievance of the people, is not correct. But I go further and say that I do not see the distinction which is drawn between the people managing their own affairs and the people hurrying to the Government to legislate on the subject. Surely this Legislative Council is representative of the people. Surely the people are coming to themselves in asking the legislature to remedy what they consider essential. When this Council is of opinion that it is an evil, when this Council is of opinion that this particular measure is right and suitable, there is nothing wrong or improper in the Hon'ble Member in charge placing his measure on the legislative anvil. I want to assure the Council that so far as the object of the Bill is concerned, it is to stop the juvenile from smoking 'in public places and in public streets.' I am entirely in support of it, and I do not think there is any difference on this subject.

"So far as the efficacy of the enactment as it stands is concerned, I am certainly doubtful, I am more than doubtful. There are very many objections to the enactment as it stands, and were it not for, firstly, that the object of the Bill is noble, secondly, that the Bill is a private Bill and as such, stands in need of particular encouragement and thirdly, that my personal inclinations, my personal bias, are strongly indeed against smoking, I probably would have hesitated before agreeing to act on the Select Committee. It is quite possible that in the Select Committee the Bill may be made applicable to more places than are particularly mentioned. It is possible that the Select Committee may find that the suggestion made by Government is suitable, that is to say, the Bill should not go beyond licensing tobacco shops, or the Committee may go beyond that. However that is absolutely an open matter. I do think at this stage that the Bill should be allowed to go to the Select Committee so that the Select Committee may do what it can with it.

"I just want to add to what I have said already that there is a strong feeling in support of the object of the Bill. Not only the educational authorities but also public men are all anxious to see that these two evils, the drink evil as well as the tobacco evil should be stopped. I may mention that formerly there was no need for the people to devise means of fighting the smoking evil, because the men used to smoke *hukka*—not a portable machine of smoking. It is not at all easy to carry it about in streets with the result that in public places and in streets young boys could not be seen smoking. But this cigarette is very portable, very convenient to carry about, and naturally the evil has now risen. That is the reason why at this particular stage it has become necessary to bring forward this enactment. The objection of the Hon'ble Mirza Ikram Ullah Khan that surely drink is worse than smoking, has great force, and I have not the slightest doubt that if he brings forward a Bill with reference to stopping the drink evil, he will find us ready to support it. Simply because all that can be done is not done at once is no reason why some good should not be done. With these words I give my support to the motion before the Council that the Bill be referred to a Select Committee."

The Hon'ble Sardar Bahadur Gajjan Singh :—

"Sir, I should like with your permission to reply to the criticisms of the Hon'ble Makhdum Rajan Shah who has opposed the Bill on several grounds,

[*Sardar Bahadur Gaijan Singh.*]

in Urdu. I am sorry to say that the lengthy speech I have made before the Council was in English, and he could not understand my point of view. I would therefore with your permission, Sir, reply to his criticisms in Urdu.

He first says that it is the duty of the parents to check this bad habit in the children. I quite admit that, and that is the reason why I have not made any provision in the Bill that action should be taken if juveniles smoke at their houses. While at their houses they are under the influence of their parents and guardians, and therefore I have omitted all reference to it. My Bill only deals with smoking in public places. According to the oriental custom no one smokes before his parents or guardians. It is only when the boys go out of the sight of their parents, that they take to smoking because they think that their elders are not seeing them. Therefore it is no encroachment on the parents' duties. The Saiyid Sahib has further advanced the argument that it is not right to depend upon Government for even those things which we should do ourselves. He further said that if we ask Government to help us in this matter to-day, to-morrow we shall ask them, *e.g.*, to find means to ensure that our boys go to school regularly. I am afraid he has failed to understand the position. Government is the guardian of its subjects, and if the parents do not do their duty, it is its duty to step in and see to the well being of its subjects. I may mention for the Saiyid Sahib's information that in England, America and other civilised countries, similar laws have been enacted. I do not think after this explanation the Hon'ble Member will disagree with me.

"Then the Hon'ble Member has pointed out that the wording of the Bill is faulty. I may mention in this connection that in my previous speech I have touched upon all these matters. I have made it clear that the Bill is not intended to apply to girls. Then objection has been taken to the word 'apparently.' This word I have taken from the English Act. There has all along been the impression that the laws passed by the English Legislature were the most sound, and it was for this reason that I have taken this word from that Act. Further I may mention that even in Excise Act, I of 1914, the word 'apparently' is used in connection with the question of age. This word has been used in the interests of the shop-keepers so that they might say that the boy to whom they had sold tobacco looked above or below 16 years of age. If they can say that he was apparently above 16 years of age, they shall not be deemed to have committed any offence. If I had insisted on a particular age, it would have given rise to the very difficulties which the Hon'ble Makhdum Rajan Shah has pointed out. The English Legislature and the Punjab Legislative Council had thought it suitable to use the word 'apparently.' If the Select Committee does not like this word, they can substitute a more appropriate word for it.

"Then objection is taken to the procedure about trials. I have provided that punishment should be given after summary enquiry because the regular procedure is a troublesome one and takes long time. Section 260 of the Criminal Procedure Code provides that trivial offences should be tried summarily, *i.e.*, the magistrate should hear both sides and then pass his sentence. I have taken this provision also from the English Act. If the word 'summary' is not suitable, I would have no objection to excluding it.

"Then as regards the police, I have limited the interference by the Police to a Head Constable, but if this Hon'ble Council desires that the Police should be entirely eliminated, I have no objection. We can substitute Zaildars and Municipal Commissioners, or as in other similar cases higher Police officials can be vested with the power of interference in these cases. There is a similar provision in the Excise Act. In the Excise Act it is clearly stated that wine

[*Sardar Bahadur Gaijan Singh.*]

shall not be sold to a juvenile under 18, whereas I have taken the minimum age limit of 16. That Act allows a fine up to Rs 500, whereas the present Bill imposes fine up to a limit of Rs. 10. I entirely agree with those who say that drinking is a very bad evil. At the time of the passing of the Excise Act I was made a member of the Select Committee, and I expressed my views on the subject

"The above is a reply to the criticisms of the Hon'ble Makhdum Rajan Shah.

"As regards the other objections, I find only one by the Hon'ble Raja Ikram Ullah. He also states that the Bill should not apply to girls. I have distinctly said in my previous speech that there was no intention that the Bill should apply to girls as well. He further stated that it is an easy thing to get signatures from a number of persons on a piece of paper, that Government should not take it into consideration and should not give weight which I desired it to give to this mammoth representation. I might bring it to the notice of the Hon'ble Member as well as of this Hon'ble Council that the names of those gentlemen who have signed it, would at once convince any one that it is quite impossible that they would sign a petition without considering its effect. They are men of very good status, and high education such as Advocates, Barristers, Secretaries and Presidents of various responsible societies, and so on. So I do not agree with the objection which has been raised by my friend Raja Ikram Ullah Khan. One thing my friend Raja Ikram Ullah Khan will pardon me if I say, and that is that it has surprised me to see that he has risen to oppose my Bill, not only in details but even in principle. But I would wish to remind him and the Hon'ble Members of this Council that some time ago I addressed a letter to all the non-official members of this Council, and I put them three questions as follows :—

- (1) Do you agree with the principle of the Bill ?
- (2) Do you agree with the provisions of the present Bill ?
- (3) What amendment, if any, you would like to suggest in the provisions of the Bill ?

"This letter, I submit, I sent to my friend Raja Ikram Ullah Khan, and the reply received from him was most encouraging. He states, in his letter dated the 3rd March 1917—'I am in receipt of your memorandum of the 27th of February, together with a copy of the draft Bill, and I thank you for the same.' In reply to my first question my friend the Hon'ble Raja Ikram Ullah Khan says—Yes. I do agree with the principle of the Bill and shall be most pleased to support it. The draft is quite agreeable and will come out of the Select Committee with its provisions amended, if necessary. Of course he suggested that in clause 4 the words 'Municipal Commissioner' and any other respectable person might be added. My friend in most unequivocal terms accepted the principle of the Bill. I sent the letter and I got the above-mentioned reply from him. It is therefore really surprising that the opposition should have come from him.

"As regards the other point taken up by him, *viz.*, that liquor is more objectionable and that that evil should be remedied first, I might remind him that I have already stated that there are provisions in the Excise Act, I of 1914, to grapple with that evil, and Government is doing all that is possible to save us from the evil effects of wine. Of course we all know that in the recent Act penalties have been enhanced, from 6 months to 1 year, and the law has been made more stringent and more comprehensive to grapple with the evil of wine consistent with the policy of Government. So I submit that on that score my Bill is not open to objection. If any Hon'ble Member or

[Sardar Bahadur Gajjan Singh.]

my friend considers that any of the provisions are defective, he is at liberty to bring forward any amendments he wishes, and Government will, I am sure, pay due regard to them. These are all the criticisms that have been offered, and I think I need not take any more time of the Council in saying anything further. All that I have to state is that I thank the Hon'ble Member in charge on behalf of Government for the expression of the Government policy in the matter that they are not going to oppose my motion, and that they agree that the Bill must go to the Select Committee where I am quite sure, as has been just said by other members, it will emerge free from all objections which of course I myself have considered. All the objections, especially no doubt the one raised by the Hon'ble Member in charge, will be considered by the Select Committee. As I have said I have no prejudice for particular provisions. I have given my reasons where I have borrowed those words from. With these words I leave entirely my Bill in the hands of the Select Committee, and of course it would be quite open to them to recommend that instead of remedying the evil by such a Bill, we should adopt the remedy which the learned Financial Commissioners have suggested, and of course it will be quite at liberty to add a clause to the present Bill in accordance with the views of the Financial Commissioners as in the Excise Act."

The motion that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. Craik, the Hon'ble Khan Bahadur Fazl-i-Husain, the Hon'ble Khan Bahadur Malik Muhammad Amin, the Hon'ble Rao Bahadur Chaudhri Lal Chand, the Hon'ble Rai Bahadur Bakhshi Sohan Lal, the Hon'ble Mr. Gracey, the Hon'ble Colonel Hendley and the mover, was put and agreed to.

Adjournment.

The Council adjourned *sine die*.

S. W. GRACEY,

Secretary, Legislative Council, Punjab.

LAHORE,

The 26th March 1918.

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 Government of India Act, 1916.

THE Council met at Government House, Lahore, at 10-30 A.M. on Wednesday, the 21st April 1918.

PRESENT:

His Honour Sir MICHAEL FRANCIS O'DWYER, G.C.I.E., K.C.S.I., I.C.S.,
Lieutenant-Governor, *Presiding*.
The Hon'ble Mr. JOHN PERRONET THOMPSON, I.C.S.
The Hon'ble Mr. JAMES ALEXANDER RICHEY.
The Hon'ble Khan Bahadur KHAWAJA YUSAF SHAH.
The Hon'ble Mr. HERBERT JOHN MAYNARD, C.S.I., I.C.S.
The Hon'ble Mr. OSWALD FARQUHAR LUMSDEN, I.C.S.
The Hon'ble Sardar Bahadur Sardar GAJJAN SINGH.
The Hon'ble Rao Bahadur Chaudhri LAL CHAND.
The Hon'ble Khan Bahadur Sayad MEHDI SHAH.
The Hon'ble Pandit JAWAHAR LAL, Bhargava.
The Hon'ble Rai Bahadur RAM SARAN DAS, C.I.E.
The Hon'ble Rai Bahadur Pandit SHEO NARAIN.
The Hon'ble Mr. DAVID WANN AIKMAN.
The Hon'ble Mr. JAMES CURRIE.
The Hon'ble Rai Bahadur Bakhshi SOHAN LAL.
The Hon'ble Rai Bahadur Raizada BHAGAT RAM.
The Hon'ble Sayad MAKHDUM RAJAN SHAH.
The Hon'ble Mr. CREWE ARMAND HAMILTON TOWNSEND, I.C.S.
The Hon'ble Mr. CHARLES JOSEPH HALIFAX, I.C.S.
The Hon'ble Khan Sahib Mirza MUHAMMAD IKRAM ULLAH KHAN.
The Hon'ble Diwan Bahadur Diwan DAULAT RAI.
The Hon'ble Mr. EDWIN WOODALL PARKER.
The Hon'ble Khan Bahadur Mian FAZL-I-HUSSAIN.
The Hon'ble Mr. HENRY DUFFIELD CRAIK, I.C.S.
The Hon'ble Khan Bahadur Malik MUHAMMAD AMIN KHAN.
The Hon'ble Colonel HAROLD HENDLEY, M.D., I.M.S.
The Hon'ble Mr. STEPHEN WILLIAM GRACEY, I.C.S.

OATH OF OFFICE.

The Hon'ble Mr. Aikman took the prescribed oath of allegiance to the Crown.

His Honour the President briefly explained the order in which business would be taken up.

QUESTIONS AND ANSWERS.

The Hon'ble Rai Bahadur Ram Saran Das :—

"YOUR HONOUR,—After I gave notice of Question No. 1 standing in my name, the memorandum of the Hon'ble Mr. Lumsden was received, wherein it is stated that an addition of Rs. 2,00,000 under head '45—Civil Works—in charge of Civil Officers' for grant to district boards for the improvement of metalled roads has been made, for this our best thanks are due to Government. The necessity for asking Question No. 1 therefore does not arise and I beg to withdraw it."

[*Rai Bahadur Ram Saran Das ; Mr. Richey ; Mr. Lumsden.*]

The following question was therefore, by permission, withdrawn :—

1. " Will the Government kindly state whether the Government has decided to allot during this year Rs. 2,00,000 more for district boards under head '32—Contributions,' as promised by the Finance Member in the last meeting of this Council ? "

The Hon'ble Rai Bahadur Ram Saran Das asked :—

2. " Will the Government kindly state in full what were the objects for which the Government of India grant of Rs. 1,75,000 was made to this Province last year ? The exact instructions, if any, accompanying this grant may kindly be given. Is construction of Normal School buildings one of the objects for which this grant was made ? "

The Hon'ble Mr. Richey replied :—

" The objects for which the Imperial grant of Rs. 1,75,000 was given have already been stated by me more than once in this Council. The actual wording of the Government of India's instructions is as follows :—

' As regards the specific objects on which the grant may be expended attention is invited to the following statement on the subject made by the Hon'ble Sir Sankaran Nair in the Imperial Legislative Council on the 10th March 1917 :—

" The grant made to each province will be available at its discretion for training or for pay or both. It will be recurring. The grant can be utilized for primary or secondary education as desired, but we hope that a predominant share will be given to primary teachers. It is intended primarily for male teachers as it will probably be best to deal with female education on a separate footing, but there will be nothing to prevent Local Governments from using such part of it as they may wish for female teachers. The grant will be available for use during the coming year, and we expect it, as far as possible, to be so used. "

" I am also to observe that as stated in their letter No. 166, dated the 23rd February 1916, the Government of India attach considerable importance to the establishment of provident funds for teachers in non-pensionable service, and that they trust that it may be found possible to earmark a portion of the present grant with a view to starting such funds as soon as it is possible to do so.

" The schemes on which it is proposed to expend the grant have been detailed by me in reply to a question asked by the Hon'ble Rai Bahadur Bakhshi Sohan Lal on the 6th February 1918. Until these schemes are all in full working order the annual balance must be utilised on non-recurring expenditure. For example, during the current year the budget shows Rs. 1,35,000 balance from last year's grant in addition to the Rs. 1,75,000 for the current year. Only the latter sum is of a recurring nature and the Rs. 1,35,000 must clearly be used for non-recurring charges. "

The Hon'ble Rai Bahadur Ram Saran Das asked :—

3. " Will the Government kindly give details of the Sanitary expenditure of Rs. 3,66,000, Rs. 3,76,000 and Rs. 15,00,000 adjusted under '45—Civil Works' during the years 1911-12, 1912-13 and 1913-14. "

The Hon'ble Mr. Lumsden replied :—

" The details required are laid on the table. "

Increased allotment for district boards.

Object of extra grant by Government of India to Education Department.

Details of Sanitary expenditure adjusted under Civil Works.

[Rai Bahadur Ram Saran Das ; Mr. Richey.]

The Hon'ble Rai Bahadur Ram Saran Das asked :—

4 " Will the Government kindly state whether any decision has been arrived at by Government on the recommendations made by the Education Committee that met in October last ? "

Recommendation by the Education Committee.

The Hon'ble Mr. Richey replied :—

" In order to come to a decision on the recommendations of the Education Committee which met in October last, it has been necessary to collect a large mass of statistics from District and Divisional Inspectors.

" Divisional Inspectors met in the first week of January of this year when the recommendations of the Committee were explained to them and the data requisite were discussed.

" A great deal of material has now been received which will be laid before Government and which should be sufficient to enable it to come to a decision on the majority of the Committee's recommendations."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

5 " Do the Government propose to open any Industrial Schools during the year 1918-19 ; if so, how many, and for what Industries ? "

Opening of new Industrial Schools.

The Hon'ble Mr. Richey replied :—

" The reorganisation of the Industrial Schools of this Province was considered by the Standing Committee on Industrial and Technical Education last year.

" A minute embodying their proposals was submitted to Government, who circulated it for the opinions of officials and of local bodies. All these opinions have not yet been received.

" The recommendations were of a comprehensive nature and involve considerable alterations in the character of this class of school.

" Pending the result of these enquiries Government does not propose to initiate the opening of new industrial schools on the present pattern."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

6. " In view of the fact that a new sixth Faculty for Agriculture has been added to the Punjab University, does the Government propose to recommend to the Government of India an increase in the number of Fellows in the Punjab University ? "

Increase in the number of Fellows of the Punjab University.

The Hon'ble Mr. Richey replied :—

" On the formation of the new Faculty of Agriculture proposals were submitted by the Punjab Government to the Government of India for the amendment of the Universities Act of 1904 in order to increase the number of Ordinary Fellows in the Punjab University.

" The Government of India have, however, postponed action on the matter for the present on the ground that the whole question of the constitution of Senates in Indian Universities is engaging the attention of the Government of India."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

7. " In view of the fact that the newest University of Patna contains a majority of elected members in its Senate does the Government propose to recommend to the Government of India to amend the University Act, 1904, in such a way as to provide for a majority of elected members in the Senate of the Punjab University ? "

Amendment of the University Act to provide for a majority of elected members in the Punjab University.

The Hon'ble Mr. Richey replied :—

" Proposals for a revision of the University Senate were submitted by the Punjab Government last year.

[*Khan Sahib Mirza Muhammad, Ikram Ullah Khan ; Mr. Aikman ; Mr. Maynard.*]

"It is understood that these proposals are being considered by the Government of India, together with recommendations received from the other provinces."

The Hon'ble Khan Sahib Mirza Muhammad Ikram Ullah Khan asked :—

8. "Will the Government be pleased to state if it is a fact that in certain districts there are rest-houses which are primarily meant for European officers and which can only be occupied while on duty by those Indian officers who can conform to the European etiquette ?

"(b) If so, will the Government be pleased to name the districts ?

"(c) Will the Government be pleased to consider the advisability of removing this restriction against all Indian officials ? "

The Hon'ble Mr. Aikman replied :—

"It is not a fact that in certain districts there are rest-houses which are primarily meant for European officers.

"Public Works Department rest-houses, which are situated in every district of the Punjab, have been constructed primarily for the convenience of officers who conform to European methods of living, and their use is not permitted to any officer of any Department who is not prepared to conform to European customs, both as to the use of the rest-house itself and of the furniture with which it is supplied.

"This rule has been found necessary in the interests of all the officers whether European or Indian entitled to use the rest-houses, and, as in practice it works satisfactorily, Government does not propose to make any change."

The Hon'ble Khan Sahib Mirza Muhammad Ikram Ullah Khan asked :—

9. "(a) Is it a fact that the official status and position of a Tahsildar and a Munsif are the same ?

"(b) Is it a fact that a Munsif draws a travelling allowance at the rate of Rs. 3 per diem while a Tahsildar draws at the rate of Re. 1 only, although it is necessary for the latter to keep a horse ?

"(c) If so, will the Government be pleased to consider the advisability of granting the same travelling allowance to Tahsildars ? "

The Hon'ble Mr. Maynard replied :—

"(a) It is not understood what is precisely meant by the relative official status and position of a Tahsildar and Munsif. The matter up to the present has not formed the subject of any decision on the part of Government. It may, however, be stated that the pay of the three grades of Tahsildars, respectively, is the same as the pay of the three grades of Munsif.

"(b) The reply to (b) is in the affirmative.

"(c) As regards part (c) the Hon'ble Member is referred to the answers given to the Hon'ble Malik Muhammad Amin Khan at the Council meeting on 19th September 1913, to the Hon'ble Rai Bahadur Hari Chand on 20th December 1913 and to the Hon'ble Rai Bahadur Bakhshi Sohan Lal on 13th March 1916. For the reasons stated in those answers Government does not think it necessary to consider the advisability of increasing the present rate of travelling allowance allowable to Tahsildars."

Use of Public
Works De-
partment
Rest-house.

Travelling
allowance
to Tahsildars.

[*Khan Sahib Mirza Muhammad Ikram Ullah Khan ; Mr. Thompson ; Mr. Lumsden ; Mr. Richey.*]

The Hon'ble Khan Sahib Mirza Muhammad Ikram Ullah Khan asked :—

10. "Will the Government be pleased to consider the advisability of making Criminal Law and Civil Law for the Departmental Examination of Extra Assistant Commissioners separate subjects to enable the candidates to pass in them separately as in the Revenue and the Treasury subjects?"

Separate Criminal and Civil Law Papers for Extra Assistant Commissioners' Examination.

The Hon'ble Mr. Thompson replied :—

"Civil Law and Criminal Law are already separate subjects in the Departmental Examination. What the Hon'ble Member apparently desires is that they should be made separate groups. The present rules have stood as they are in this respect for many years past; many generations of officers have found no serious difficulty in complying with them and the Lieutenant-Governor has no reason to believe that they have been found to work hardly."

The Hon'ble Khan Sahib Mirza Muhammad Ikram Ullah Khan asked :—

11. "Since all bridge tolls are to be abolished from 1st July 1918, will the Government be pleased to explain the reasons which necessitate the maintenance of toll in the solitary case of the Rawalpindi-Kohala Road?"

Toll on Rawalpindi-Kohala Road.

The Hon'ble Mr. Lumsden replied :—

"The cost of maintenance of the Rawalpindi-Kohala Road has been very considerably enhanced in recent years by the volume of Military motor traffic and by the increase of ordinary traffic to Kashmir. For this reason it is at present impracticable to forego this source of revenue by the abolition of tolls on this particular road. The toll receipts represent only a very small fraction of the cost of maintenance."

The Hon'ble Khan Sahib Mirza Ikram Ullah Khan asked :—

12. "(a) Is the Government aware that the manufacture of bricks is practically stopped in the Punjab for want of coal?"

Relaxing pressure on building private aided schools during war.

"(b) Is it also a fact that the rates of all building materials are at present more than double the pre-war rates?"

"(c) If so, will the Government consider the necessity of issuing orders to the Education Department to relax pressure on building the private aided schools during the war?"

The Hon'ble Mr. Richey replied :—

"(a) It is a fact that the manufacture of burnt bricks is considerably reduced owing to shortage of coal, and, if the present conditions continue there is every probability of its being even more seriously curtailed."

"(b) Rates of imported materials have in many cases increased by over a 100 per cent. on pre-war rates and the prices of many indigenous materials have also more than doubled."

"(c) I understand that the Hon'ble Member suggests that inspecting officers of the Education Department should not put pressure on the Managers of Aided High Schools to erect new buildings in war time even though the existing accommodation is unsuitable or inadequate."

"Experience has shown during the last year that as a matter of fact private managers are unable to carry through any large building projects at present, even with the promise of financial assistance from Government."

"Under these circumstances officers of the Education Department will be advised not to urge Managers of Aided Schools to erect school buildings during the war, where such action would involve excessive expenditure."

[*Khan Sahib Mirza Muhammad Ikram Ullah Khan ; Mr. Lumsden ;
Diwan Bahadur Diwan Daulat Rai ; Mr. Craik.]*

The Hon'ble Khan Sahib Mirza Muhammad Ikram Ullah Khan asked :—

Drainage
Scheme at
Wazirabad.

13. "(a) To my Question No. 19 in this Council on 2nd September 1916 the Government was pleased to reply that the drainage scheme at Wazirabad was pending completion for want of steel pipes, will the Government be pleased to state what delays the working of the same since the pipes were erected long ago ?

"(b) Is it a fact that the receptacle tanks remain full with sub-soil water and hence cannot receive all the sullage which is re-directed to the Pulkhu Nullah, to avoid which the scheme was contemplated ?

"(c) If so, will the Government be pleased to state who is responsible for this scheme and how much money has been spent over it ?"

The Hon'ble Mr. Lumsden replied :—

"(a) It is understood that since the reply to which reference is made in the Hon'ble Member's question was given, the steel pipes have been obtained, but the scheme has been further delayed owing to the rise of the sub-soil water in consequence of the abnormal rainfall. As soon as the level sinks, the remaining collecting tank will be constructed and the project will then be in working order.

"(b) Sub-soil water is at present standing in the collecting tank to the depth of about a foot. The sullage has not yet been directed into the collecting tank.

"(c) The scheme was designed by the Sanitary Engineer, Punjab, and no opinion can be formed of its ultimate success until the whole project has been completed. The amount spent up to date is Rs. 73,240."

The Hon'ble Diwan Bahadur Diwan Daulat Rai asked :—

Cases of
murder homici-
de and
dacoity
committed
by Hindus and
Sikhs in
Mianwali
District.

14. "(1) Will the Government be pleased to state, year by year, the number of cases in which Hindus including Sikhs, giving their number also have been challanged for offences of murder, culpable homicide not amounting to murder, dacoity, robbery and sedition in the Mianwali District during the last ten years ending with 1917 ?

"(2) How many of such persons have been tried by judicial courts and with what results ?

"(3) How many of such persons were dealt with under the Jirga Law and with what results ?"

The Hon'ble Mr. Craik replied :—

"I regret the information supplied by the Deputy Commissioner of Mianwali does not give the details of cases year by year but only the total for the last ten years which are as follows :—

	Hindus.	Cases.	Persons convicted.	Acquitted or discharged.
Murder or homicide ...	Judicial Courts...	9	9	5
	Jirga ...	4	6	2
Dacoity ...	Judicial Courts...		<i>Nil.</i>	
	Jirga ...	4	2	3

"No Sikhs were concerned in any of these cases.

[Khan Bahadur Malik Muhammad Amin Khan ; Mr. Craik ;
Mr. Thompson.]

"No figures have been supplied for cases of robbery and sedition, and it is presumed that no Hindus have been involved in any such cases during the last 10 years."

The Hon'ble Khan Bahadur Malik Muhammad Amin Khan asked :—

15. "With reference to the reply to my question about Public Prosecutors put in the meeting of the Punjab Legislative Council held on 6th February 1918, will Government be pleased to state—

Muslim
zamindars
as Public
Prosecutors.

"(a) whether in the number of 10 appointments, said to be held by Muhammadans on 1st January 1918, two held actingly, were also included and these two have since been, as a matter of permanent arrangement, transferred to non-Muslim incumbents;

"(b) whether there has not been some mistake in the statement made that six appointments were held by Muslim members of agricultural tribes?"

The Hon'ble Mr. Craik replied :—

"(a) Of the 10 appointments of Public Prosecutor held by Muhammadans on 1st January 1918, 9 were permanent and 1 was acting. The latter has since been replaced by a Hindu, who has been appointed permanently. Another Muhammadan Public Prosecutor has died since the 1st January. He was on leave at the time of his death, and a Muhammadan (not included in the 10 mentioned in my answer of 6th February 1918) was acting for him and is still doing so. In addition, a new post of Public Prosecutor has been created at Jhang and has been filled by the appointment of a Muhammadan gentleman who is a zamindar. The present position therefore is that of 27 appointments as Public Prosecutor 15 are held by Hindus (14 permanent and 1 acting), 10 by Muhammadans (9 permanent and 1 acting), 1 by a Sikh and 1 by a Christian.

"(b) The Hon'ble Member's question of 6th February 1918 asked how many Public Prosecutors belonged to the 'zamindar classes,' and the figures given by me were based on replies received from the Public Prosecutors themselves, doubtful claims to be zamindars being rejected. I regret that a mistake was made in saying that 6 Muhammadan Public Prosecutors were members of agricultural tribes. The correct figure was 5, but the sixth gentleman, though not a member of a notified 'agricultural tribe,' holds a considerable area of ancestral land and in that sense may be considered a 'zamindar?'"

The Hon'ble Khan Bahadur Malik Muhammad Amin Khan asked :—

16. "Will the Government be pleased to state what action, if any, has been taken on the resolution passed in the Punjab Legislative Council on the 13th March 1917 in favour of the representative of the Muslim community of the Punjab on the Imperial Legislative Council being elected instead of nominated?"

Election on
the Imperial
Legislative
Council of a
Muhammadan
from the
Punjab.

The Hon'ble Mr. Thompson replied :—

"I would refer the Hon'ble Member to the *Communiqué* of the 17th July last. The last sentence of this *Communiqué* states 'it has now been decided that the question of the method of the representation of the Muhammadan community in the Punjab on the Imperial Legislative Council will be considered when questions connected with the constitution of Legislative Councils are next taken up?'"

The Hon'ble Khan Bahadur Malik Muhammad Amin Khan asked :—

17. "In view of the fact that the question of constitutional changes in India on which the Secretary of State is at present engaged may not be solved in time to enable effect being given to the resolution referred to in Question 16 at the time of the next triennial Legislative Council election,

Elected
representative
of Muhammadans
on the Imperial
Council.

[Mr. Thompson ; Khan Bahadur Malik Muhammad Amin Khan ; Rai Bahadur Bakhshi Sohan Lal ; Mr. Maynard.]

will the Government kindly ensure that when that time arrives, the next representative of the Muslim community of the Punjab in the Imperial Legislative Council is returned through election and not nominated ? ”

The Hon'ble Mr. Thompson replied :—

“ It is beyond the power of the Punjab Government to ensure anything in regard to the representation of the Muhammadan or any other community. The decision rests in other hands and the Lieutenant-Governor does not intend to submit any proposal on this particular point in advance of the time indicated in the *Communiqué*. ”

The Hon'ble Khan Bahadur Malik Muhammad Amin Khan asked :—

18. “ Will the Government be pleased to lay on the table a statement of the various papers, English and Vernacular, subscribed for the various departments and offices under the Punjab Government. ”

The Hon'ble Mr. Thompson replied :—

“ The list is laid on the table. ”

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

19. “ Will the Government be pleased to state whether it is correct—

“ (a) that the existing rates of Girdawar Kanungo's pay at Rs. 20, Rs. 25 and Rs. 30 per mensem and horse allowance Rs. 5 per mensem were originally fixed more than 30 years ago ; and have not been revised notwithstanding the general increase in prices ;

“ (b) that no other Government Officer is allowed less than Rs. 15 per mensem as horse allowance ;

“ (c) that the prospects of his promotion to the post of Naib-Tahsildar are not so good as they used to be when the scale of his pay was originally fixed ? ”

The Hon'ble Mr. Maynard replied :—

“ (a) In reply to part (a) of his question the Hon'ble Member is referred to the answer given to Question No. 3 asked by the Hon'ble Khan Sahib Mirza Muhammad Ikram Ullah Khan at the meeting of this Council held on 6th November last. Field Kanungos received field allowances at Rs. 5 and Rs. 10 per mensem, but this is not strictly horse allowance.

“ (b) With a few exceptions the rates of conveyance and horse allowance as such paid to Government officials entitled thereto are not less than Rs. 15 per mensem. But these have no bearing on the field allowance to Field Kanungos.

“ (c) There is no reason to think that Kanungos' prospects of promotion to the post of Naib-Tahsildar are not so good now as they were when the scale of Kanungos' pay was originally fixed. ”

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

20. “ If so, will the Government be pleased to inform this Council, if there is a scheme under their consideration for the purpose of improving their salaries, horse allowance and prospects of promotion to attract suitable hands for the responsible position of a Girdawar Kanungo ? ”

The Hon'ble Mr. Maynard replied :—

“ Certain proposals for minor improvements in the emoluments of Field Kanungos have recently been submitted by the Financial Commissioner to Government and are at present under its consideration. ”

[Rai Bahadur Bakhshi Sohan Lal ; Mr. Lumsden .]

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

21. " Will the Government be pleased to state whether it is correct—

" (a) that European visitors, official or non-official, and the district officials attending the cattle show fair at Hafizabad and Guru Nanak Birthday fair at Nankana Sahib are served with meals and refreshments from the District Board Funds during their stay in the fairs ;

Provision of refreshments by district boards to European visitors at fairs.

" (b) that all the European and Indian officials attending the fairs are also allowed to draw their travelling and halting allowances from the Government whenever they go to visit the fairs ;

" (c) that there is no provision in the District Boards Act or rules to justify such use of the District Board Funds ;

" (d) that no sanction of the Government or of any other authority has been obtained by the President of the District Board for such application of the District Board Funds."

The Hon'ble Mr. Lumsden replied :—

" (a) It is believed that certain district boards provide refreshment on the ground for judging committees and other officers on duty at cattle fairs and Government sees no reason to interfere with the exercise of a hospitality which is not only a convenience to the workers but enables them to undertake their arduous duties without waste of time. As regards the Guru Nanak Birthday Fair at Nankana Sahib, it has been ascertained that for the last four years no expenditure of the kind has been incurred.

" (b) As European and Indian officials are deputed on duty to fairs there is no reason why travelling allowance should not be drawn under ordinary rule.

" (c) Section 37 (2) of the District Boards Act, read with section 20 (2) (m), clearly justifies such use of the District Board Funds, and Government sees no reason to interfere with their discretion in the matter.

" (d) In view of the reply to clause (c) this clause requires no answer."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

22. " Will the Government be pleased to lay on the table a statement of the amount spent yearly in each of the above fairs on the above objects from 1912 to 1917 ? "

Expenditure on the above for 5 years.

The Hon'ble Mr. Lumsden replied :—

" For the reasons given in replying to Question 21 Government does not consider that the information asked for would serve any useful purpose and does not propose to lay any such statement on the table."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

23. " Will the Government be pleased to lay on the table a statement detailed by districts showing—

Statement of arms licenses.

" (a) the number of arms licenses, renewal of which has been refused by the District Magistrates for the year 1918 in each district of the Punjab ;

" (b) the number of guns or other arms deposited in Police Stations or Malkhanas of each district for want of renewed licenses for 1918 ? "

24. " Will the Government be pleased to state whether it is correct that the renewal of licenses in most cases was made conditional on cash payment of a certain sum of money to contribute to any of the war funds or on

Statement of arms licenses.

[Mr. Thompson ; Rai Bahadur Bakhshi Sohan Lal ; Mr. Aikman.]

a supply of a certain number of recruits for the army by the applicant for renewal? ”

The Hon'ble Mr. Thompson replied :—

“ Information in regard to Questions 23 and 24 is being collected and will be laid on the table when available.”

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

25. “ If so, will the Government be pleased to state—

“ (a) whether this action of the District Magistrate was under any general or special instructions from the Government on the subject to the District Magistrates ;

“ (b) the number of licenses, refused renewal in each district, for non-compliance with the condition referred to in Question No. 24 ;

“ (c) whether applicant's previous services, in the form of contribution to the War Loans, the Our Day Fund, the Red Cross or other War Funds, rendered at any time previous to the application for renewal were or were not held sufficient to justify renewal of licenses? ”

The Hon'ble Mr. Thompson replied :—

“ Information is being collected, but in regard to (a) I can assure the Hon'ble Member that no general or special instructions on the subject were issued by Government.”

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

26. “ Will the Government be pleased to state whether there is any proposal before the Government to consider the legality or propriety of the actions taken by the District Magistrates in the renewal of arms licenses for the year 1918, and to revise the orders refusing renewal of licenses in favour of persons who have done anything to assist in the war whether before or after the application for renewal of the license? ”

The Hon'ble Mr. Thompson replied :—

“ No such proposal is before Government. If the information collected shows the need of action such as that suggested by the Hon'ble Member, Government will not hesitate to take such action as may be suitable in the circumstances.”

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

27. “ With reference to the replies of the Hon'ble Mr. Holms to my questions in the meeting of this Council held on 6th February 1918, will the Government be pleased to state whether it is correct that in the Classified List of Establishment of the Government of India, Public Works Department, corrected up to 31st December 1916, pages 113 to 118, 65 Upper Subordinates of the United Provinces are shown as drawing local allowance of Rs. 50 per mensem, and first class travelling allowance? ”

The Hon'ble Mr. Aikman replied :—

“ The Government of India, Public Works Department, Classified List of Establishment, corrected up to 31st December 1916, shows on pages 113 to 118 that 53 Upper Subordinates of the United Provinces were drawing a Duty Allowance of Rs. 50, but it is not known whether all these duty allowances are local allowances or whether they carry first class travelling allowance.”

Renewal of
arms li-
censes.

Revenue of
arms licenses.

Local and
travelling
allowances.

[*Rai Bahadur Bakhshi Sohan Lal; Mr. Aikman.*]
 The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

28. " Will the Government be pleased to state whether there is any proposal under consideration to request the Government of India :—

Local and
travelling
allowances.

(a) to let at least the 31 Upper Subordinates of the Punjab as per old scale to continue to draw the first class travelling allowance sanctioned by the Secretary of State and to maintain their old status and emoluments pending the grant by Government of more favourable terms of service ;

" (b) to consider the position of the officers in the Punjab Upper Subordinate Service who had expected promotions according to previous terms of service, in consequence of certain vacancies occurring in 1914, 1915 and 1916, but were withheld such promotion by reason of the vacancies not having been filled in ;

" (c) to increase the proportion of Upper Subordinates on whom the honorary rank of Assistant Engineer will be conferred in the Punjab ? "

The Hon'ble Mr. Aikman replied :—

" (a) The question of the grant of first class travelling allowance was originally referred to the Government of India in 1915, who decided to defer its consideration as explained in the answer to Question 15 (a) given in this Council on the 6th February 1918. The matter will, however, again be brought to the notice of the Government of India.

" (b) As to the promotion of Upper Subordinates rests entirely with the Local Government, there is no intention of addressing the Government of India on the subject.

" (c) It is not intended to ask the Government of India to increase the proportion of Upper Subordinates on whom the Honorary Rank of Assistant Engineer may be conferred in the Punjab, as the permissible limit of 6 per cent. laid down in paragraph 92, Public Works Department Code, volume I, is considered ample for the present.

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

29. " Will the Government be pleased to lay on the table a statement showing from the beginning of the Provincial Engineer Service in the Punjab up to 31st March 1918—

Provincial
Engineer Service in the
Punjab.

" (a) the number of Upper Subordinates of both the Branches who have been promoted in the Punjab to the Assistant Engineer grades every year ;

" (b) the number of Indians and Europeans imported into the Punjab from other Provinces for promotion from the Upper Subordinates to the Assistant Engineer grade ? "

The Hon'ble Mr. Aikman replied :—

" (a) The number of Upper Subordinates of both Branches who have been promoted in the Punjab to the Assistant Engineer grade since the institution of the Provincial Engineer Service to 31st March 1918, is as follows :—

1905	...	...	...	...	1
1906	...	...	...	...	2
1910	...	...	...	...	1
1913	...	...	...	...	1
1914	...	...	...	...	1
1915	...	...	...	...	1
1916	...	...	...	...	1

i.e., eight in all, of whom seven were Indians and one European.

[*Rai Bahadur Bakhshi Sohan Lal ; Mr. Richey.*]

"(b) No Indians were imported into the Punjab from other Provinces for promotion from Upper Subordinates to the Assistant Engineer grade, but in each of the years 1893, 1899, 1904 and 1906 one European Upper Subordinate belonging to the Military Works Services was promoted to the Provincial Engineer Service of the Punjab Public Works Department.

"These promotions are distinct from those referred to in sub-paragraph (a) of this question."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

30. "Will the Government be pleased to state—

"(a) whether its attention has been drawn to the articles published in the *Urdu Bulletin*, dated 24th, 25th, 28th February and 1st March 1918, relating to the Middle School, Zira, District Ferozepore ;

"(b) how far the facts given in the above articles are correct ;

"(c) whether the residents of Zira or representatives of Lala Jiwan Mal have submitted any representations to the authorities concerned on the subject ;

"(d) what steps, if any, the authorities concerned have taken or intend to take on such representations ?"

The Hon'ble Mr. Richey replied :—

"(a) The answer is in the affirmative.

"(b) Government has no information as to the truth or otherwise of the statements made in these articles.

"(c) Twelve years ago in 1906 four representations were received on the subject from Lala Jiwan Mal which were sent to the local authorities concerned for disposal. Nothing, so far as I know, has been heard of the matter since.

"(d) The Middle School at Zira was a Municipal and not a Government School and any donations Lala Jiwan Mal may have made on behalf of the school must have been made to the Municipality and the conditions of the donations settled with that body. It is not known if the Municipality of Zira or the District Board which has recently assumed the management of the school, proposes to take any further action in the matter which was apparently settled on the death of Lala Jiwan Mal, eleven years ago."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

31. "With reference to the replies of the Hon'ble Mr. Thompson to my questions in the meeting of the Council, held on 6th February 1918 and 13th March 1918, will the Government be pleased to state—

"(a) whether the Commissioner of Rawalpindi Division has yet commenced his enquiries on the complaints of the residents of Kalabagh against the conduct of Nawab Ata Muhammad Khan ;

"(b) whether the complainants will be given by the Commissioner any opportunity to prove their allegations against the Nawab ;

"(c) whether the enquiry is to be made in the presence of the parties or secretly in their absence ;

Middle
School, Zira,
District
Ferozepore.

Complaints by
residents of
Kalabagh
against Nawab
Ata Muham-
mad Khan.

[Mr. Thompson ; Rai Bahadur Bakhshi Sohan Lal ; Mr. Thompson ;
Pandit Jawahar Lal, Bhargava.]

"(d) whether any of the complainants will be given any opportunity to be heard in support of his complaint or in reply of the Nawab's defence?"

The Hon'ble Mr. Thompson replied :—

"The matters into which the Commissioner has been directed to make an enquiry relate to certain dues claimed by the Nawab. The method of the enquiry which will take some time is left to the Commissioner, but it will not be a secret enquiry and the results will be accessible to those concerned. If any persons are dissatisfied, the courts are open to them.

"As previously stated by me in reply to the Hon'ble Member, the representations that have been received, have been forwarded to the Commissioner for disposal. The meaning of this is that it was left to the Commissioner to decide whether the matters dealt with in the representations were of sufficient importance to justify a further reference to Government. No further reference has been received, nor does the Lieutenant-Governor propose to invite one.

"I may perhaps point out that the alleged grievance is a purely local one, and that it has not been taken up by either of the local members."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked :—

32. "Will the Government be pleased to state—

"(a) in what departments the scales of pay of the clerical establishment have been raised in pursuance of the recommendations of the Kettlewell Clerical Committee;

"(b) in what Departments the scales of pay have not yet been raised as recommended by the abovementioned Committee;

"(c) whether there is any proposal under consideration for enhancing the salaries of the clerical establishment in the remaining departments referred to in clause (b); if so, when such salaries are expected to be enhanced?"

Improvement
in the pay of
clerical es-
tablishment.

The Hon'ble Mr. Thompson replied :—

"(a) The scale of pay of the clerical establishment in the Financial Commissioners' and Legal Remembrancer's offices has been raised in pursuance of the recommendations of the Kettlewell Clerical Committee. Proposals for raising the pay of clerks in the Forest offices which had been previously submitted by the Conservator of Forests were also examined in the light of Mr. Kettlewell's recommendations. The pay of practically all the clerks in the Divisional and Direction offices of the department was improved.

"(b) The offices examined by the Committee in which the scales of pay have not yet been raised are those of the Inspectors-General, Police, Civil Hospitals and Prisons, the Sanitary Commissioner, the Directors of Public Instruction, Agriculture and Land Records and the Chief Superintendent, Civil Veterinary Department.

"(c) It is understood that proposals are under consideration in regard to the offices of the Director of Public Instruction, the Sanitary Commissioner and the Chief Superintendent of the Civil Veterinary Department. No proposals have been received from the other departments concerned."

The Hon'ble Pandit Jawahar Lal, Bhargava asked :—

33. "Is the Government aware that there is great difficulty in almost every district in the Province in getting kerosine oil?"

Difficulty in
getting
Kerosine oil.

[*Pandit Jawahar Lal, Bhargava ; Mr. Townsend.*]

Difficulty in getting kerosine oil.

34. "Is the Government aware that the prices of kerosine oil have been going up steadily so much so that they have risen to double and sometimes treble the previous prices in retail sales?"

Difficulty in getting kerosine oil.

35. "Is the Government aware that the agents and sub-agents of the various oil companies and other dealers in kerosine oil are selling the oil at prices far above the rates fixed by the oil companies which include a fair profit for the retailers?"

Difficulty in getting kerosine oil.

36. "Is the Government aware that at present there are no legal and effective methods of enquiring from the sub-agents of the companies or other dealers in oil at what rates they have bought and at what rates they are selling or whether they have sold too much or too little to any individual dealers or customers, and of compelling them to sell at particular rates and in particular quantities?"

Difficulty in getting kerosine oil.

37. "Will the Government be pleased to state what action it proposes to take in order to relieve the general scarcity and to regulate the price and sale of oil?"

Difficulty in getting kerosine oil.

38. "Among the measures will the Government be pleased to consider the advisability of moving the Government of India to take action under the Defence of India Act, as has been done in the case of salt?"

The Hon'ble Mr. Townsend replied:—

"It will be convenient if I make a single reply to the first six questions standing in the Hon'ble Member's name as they all relate to the present position as regards kerosine oil in the Province.

"The reply to the first question is in the affirmative, if for the word 'difficulty' in it be substituted the word 'expense.' It is an undoubted fact that kerosine oil is in short supply and very dear all over the Province at present. The question, however, as at present worded implies that it is almost unprocurable, at whatever cost, and this is not the case save in a few places, and there only for short periods.

"To the second question the reply is that the price has generally risen but the local variations are considerable. As regards the third question, enquiries made at Amritsar show that the rates allowed by the oil companies to their sub-agents contemplate a commission of Re. 0-1-0 to Re. 0-1-6 per tin of oil. There is a difference of opinion as to whether these rates recoup the sub-agents for their outlay. The conclusion arrived at by a party of Municipal officials and Commissioners which investigated the matter at Amritsar was that a sum of Re. 0-2-0 to Re. 0-4-0 per tin must be allowed to the sub-agent. A fair profit for retailers is not included in this figure.

"There is however no doubt whatever that over most of the Province owing to the short supply abnormal prices are being charged by sub-agents and retail dealers for oil, and that they are making very large profits.

"To Question 36 the answer is in the affirmative: though I may point out to the Hon'ble Member that such inquisitorial powers as he has under consideration are most unusual, and that their adoption by Government would have to be justified by exceptional circumstances. Government is making further enquiries into the matter and will not hesitate to apply the powers allowed under the Defence of India Act should the circumstances justify such action. Meanwhile reports of the prices of oil in various districts are being obtained twice a week.

"As regards Question 37, Government has the matter constantly under consideration, and recently addressed the Munitions Board on the subject. It is the intention of Government to put an officer on special duty, one of whose

[*Pandit Jawahar Lal, Bhargava ; Mr. Richey ; Rai Bahadur Raizada Bhagat Ram.]*

Duties will be the investigation of this and other similar economic problems which have arisen in the Province on account of the war, and to advise Government as to the best methods of dealing with them. Among such methods he will doubtless consider the advisability of making use of the Defence of India Act."

The Hon'ble Pandit Jawahar Lal, Bhargava asked :—

39. "Will the Government be pleased to state for how many and which private aided or unaided schools or colleges lands have been acquired under the provisions of the Land Acquisition Act, I of 1894, during the last 10 years?"

Acquisition of land for private aided or unaided schools or colleges.

40. "Will the Government be pleased to state how many applications of such private schools or colleges for the acquisition of land were disposed of by the Government during the last 10 years and with what results?"

41. "If no such application was made nor was any land acquired under the Land Acquisition Act for any such school or college owing to the inapplicability of the provisions of that Act for the acquisition of land for such purposes will the Government, in view of the contemplated amendment of the said Act by the Government of India in respect of section 23 (2), be pleased to consider the desirability of getting it so amended as to include such acquisition of land for such and allied purposes?"

The Hon'ble Mr. Richey replied :—

"In reply to Questions 39 and 40 the Hon'ble Member is referred to the replies made by Mr. Godley to similar questions asked by the Hon'ble Lala Kashi Ram and the Hon'ble Raizada Bhagat Ram in March 1916.

"No separate record has been kept of requests and informal suggestions which have from time to time been made for the acquisition of land under the Act for private schools. The acquisition of land for privately-owned and managed institutions is not held to be a public purpose within the meaning of the Act.

"The Local Government does not propose at present to address the Government of India on the subject, but the matter will receive consideration, if and when the amendment of the Act is taken up."

The Hon'ble Rai Bahadur Raizada Bhagat Ram asked :—

42. "Is the Government aware that in Simla prostitutes used to live in Lane No. 5 only?"

Simla prostitutes. pros-

43. "Is the Government aware that in 1916 the Simla Municipality passed a resolution to the effect—

"(1) that the prostitutes should be removed from Lane No. 5 ;

"(2) that they should not be allowed to live in Simla anywhere except below the Cart Road?"

44. "Is the Government aware that the Simla Municipality carried but the first part of the resolution, but refused to give effect to the second part."

45. "Is the Government aware that immediate effect of the carrying out of the first part only of the above resolution was that prostitutes took up residence in houses above the Cart Road on Ganj Road?"

46. "Is the Government aware that the Ganj Road is exposed to public view to the extent of quarter of a mile and is close to the Singh Sabha, a mosque and a sarai, and overlooks quarters occupied by respectable people?"

[*Rai Bahadur Raizada Bhagat Ram ; Mr. Lumsden ; Mr. Maynard.*]

47. " Is the Government aware that the matter was brought to the notice of the President of the Municipal Committee by an application, who advised the applicants to start proceedings under section 153 of the Punjab Municipal Act? "

48. " Is the Government aware that the complaint under above section was brought against the prostitutes who on conviction went up to the Chief Court when the Hon'ble Judges held that section 153 would not apply to their case? "

49. " Would the Government be pleased to take steps to remedy this public grievance and advise Simla Municipality to give effect to the second part of the resolution referred to above? "

The Hon'ble Mr. Lumsden replied :—

" Government has no information in respect of the matters referred to by the Hon'ble Member in his Questions Nos. 42—48, but the suggestion made in Question No. 49 will be brought to the notice of the Municipal Committee of Simla."

The Hon'ble Rai Bahadur Raizada Bhagat Ram asked :—

50. " Will the Government be pleased to state the reasons why the biggest Ward No. 10 of the Ludhiána Municipality is debarred from electing its own member? "

The Hon'ble Mr. Lumsden replied :—

" Government has no information on the point raised by the Hon'ble Member, but is awaiting fresh proposals regarding the division of the city into wards. The objection of the Hon'ble Member will be taken into consideration when the proposals come under examination."

The Hon'ble Rai Bahadur Raizada Bhagat Ram asked :—

51. " Will the Government be pleased to state what action has been taken in providing sufficient grazing lands in the various district of the Province since the publication of the last Cattle Census Report of 1914, and if not, is any action in contemplation? "

The Hon'ble Mr. Maynard replied :—

" In devising schemes of colonization for Crown land, a proportion of the area, which in the most recently formed colonies amounts to 10 per cent. in estates intended for peasant settlers, is reserved for grazing purposes. There is no intention of interfering with the use to which lands owned by private persons are put by them."

The Hon'ble Rai Bahadur Raizada Bhagat Ram asked :—

52. " Will the Government be pleased to lay on the table a statement showing therein the total amount subscribed to the Indian Imperial Relief Fund, The Punjab Aeroplane Fund, Our Day Fund, The Indian War Loan including the 5-years' Postal Cash Certificate, by the Hindus, Muhammadans and Sikhs, respectively, up to the end of January 1918, together with their population, in the Ludhiána District? "

Ward No. 10 of Ludhiána Municipality debarred from electing its member.

Grazing grounds in various districts.

Subscriptions to different War Funds by Hindus, Muhammadans and Sikhs in Ludhiána District.

[*Rai Bahadur Roizada Bhagat Ram ; Mr. Thompson.*]

53. "Will the Government be pleased to state what amount (if any) has been withdrawn by the Hindus, Muhammadans and Sikhs, respectively, up to the end of February 1918 out of the total amount subscribed by them up to the end of January 1918 towards the 5-years' Postal Cash Certificates?"

Withdrawals by the above from the amount subscribed towards the 5-years Postal Cash Certificates.

54. "Will the Government be pleased to state the names of persons in the Ludhiána District who have given 20 or more recruits up to the 1st of January 1918 and also to state the exact number given by each of them?"

Recruits furnished by persons in the Ludhiána District.

55. "Will the Government be pleased to state if any reward in the shape of grant of squares, swords, pistols, watches, War Loan Certificates have been awarded to the inhabitants of the Ludhiána District in the past 3½ years and, if so, who are the recipients, and what are their respective rewards?"

Rewards awarded to inhabitants of the Ludhiána District.

56. "Is it a fact that no squares of land and not even a single War Loan Certificate or anything else has been awarded to any one of the Hindus of the Ludhiána District?"

Inquiry as to award of land or War Loan Certificates to Hindus in Ludhiána District.

The Hon'ble Mr. Thompson replied :—

Question 52.—"The required statement is laid on the table."*

Question 53.—"The amounts withdrawn by the Hindus, Muhammadans and Sikhs, respectively, up to the end of February 1918, out of the total amount subscribed by them up to the end of January 1918 towards 5-years Postal Cash Certificates are as follows :—

					Rs.
Hindus	...	...	...	...	84,343
Muhammadans	...	...	...	...	51,801
Sikhs	...	...	...	...	77,438 "

Question 54.—"The Lieutenant-Governor does not consider that it would serve any useful purpose to give a list of names, with the number of recruits furnished by each man. But from a report received from the Deputy Commissioner, Ludhiána, it appears that 33 gentlemen in that district have furnished more than 20 recruits apiece. Of these 25 are Sikhs, 5 Muhammadans and 3 Hindus."

Question 55.—"Here, again, it seems unnecessary to give all the details asked for, but I give a summary of the cases in which the particular forms of reward specified by the Hon'ble Member have been conferred. Land has been granted to five persons, swords to eight, revolvers to three and watches to 75. No rewards in the form of War Loan Certificates appear to have been given."

Question 56.—"One hundred and thirty-five rewards of all kinds have been conferred on inhabitants of the Ludhiána District. Of these 97 have been given to Sikhs, 22 to Muhammadans and 16 to Hindus. Most of these rewards have been given for recruiting services. According to available statistics the Sikhs of Ludhiána District have furnished nearly 7,000 recruits, the Muhammadans about 2,500 and the Hindus about 400."

* See Appendix C.

[Mr. Thompson.]

THE PUNJAB COURTS BILL.

The Hon'ble Mr. Thompson :—

“ The circumstances which have given rise to the Bill which I now ask leave to introduce are, I believe, unparalleled in the history of legislation. What has happened briefly is this. At the last stage in the passage of the Punjab Courts Act of 1914 through this Council, an amendment was suggested by the Hon'ble Mr. Muhammad Shafi. It was ruled out of order, but by some extraordinary mistake in the office of this Council it was incorporated in the authentic copies of the Bill which received the assent of His Honour the Lieutenant-Governor and His Excellency the Viceroy. The result was that what was passed by this Council was not what received the assent of the Lieutenant-Governor and His Excellency the Viceroy and what received the assent of the Lieutenant-Governor and the Viceroy was not what had been passed by this Council. It is argued, with a logic from which it is difficult to escape, that the presence of this unpassed amendment in the Act, like the fly in the apothecary's ointment, taints and corrupts the whole Act. Clause 39 (1) (b) of the Bill as it was introduced and as it was passed in this Council provided that appeals against the orders of a subordinate judge should lie to the District Judge in suits not exceeding Rs. 5,000 in value and to the Chief Court in all other cases. Mr. Shafi's proposal was that appeals should lie to the Chief Court in all cases exceeding Rs. 5,000 in value or involving directly some claim or question respecting property of like value. The result of this would have been to set up an alternative criterion of value for the purpose of the appeal which did not apply to the original suit. The value of a suit is one thing, the value of the property to which it relates is another. The value of the suit is what the law chooses to make it. The value of property depends on the state of the local market at the time and that varies not only from year to year but from district to district and in many cases from village to village. To illustrate this point. As Hon'ble Members are aware, for the purpose of valuation of suits the value of land is taken to be 30 times the land revenue whereas the actual value of land is often 150 times the land revenue. Now suppose there is a suit about a piece of land which is assessed at Rs. 100 land revenue. For the purposes of jurisdiction the value of the suit is Rs. 3,000 and it is heard by a Subordinate Judge, under Section 39 (1) (a) of the Act, the appeal will lie to the District Judge. But the actual value of the land is something like Rs. 15,000 and consequently under the abortive amendment which had now been incorporated, it is open to the defeated party to lodge an appeal in the Chief Court. The result of this would be to raise an entirely new question at the very beginning of the proceedings of the Chief Court, as regards the actual value of the property in dispute. It would necessitate a reference back to the original court, a local investigation and a very considerable increase in the duration of the appeal in the Chief Court.

“ It is perhaps a matter for surprise that this error should not have been detected for 3½ years. Last November a case was heard by a Divisional Bench in the Chief Court in which the argument turned on the interpretation of Section 39 (1) of the Act. The Judges went into the matter and found out what was at the bottom of it. They made a reference to Government. Papers were examined and it was seen that questions of very much further reaching importance than the jurisdiction of the Chief Court in a small class of cases were involved. It has been held that an assenting authority has no power to assent to a portion of a Bill. It must accept it as a whole or reject it as a whole. It is a case of everything or nothing. If so, every court and every Judge who has been invested with powers under the Act has no more authority to decide cases than the Pleaders who practise before him and every

[*Mr. Thompson ; Mr. Richey.*]

order he gives is of less value than the paper on which it is written. The situation thus is a critical one. The question of how to remedy it has given the Punjab Government and the Government of India much anxious thought. The result is the Bill which I now ask leave to introduce.

"I will explain briefly its provisions. The preamble sets forth the circumstances constituting the necessity for fresh legislation. Clause (1) provides for the short title and the extent of the Act. In clause (2) we have as it were to apologise for calling the Punjab Courts Act an Act at all and to explain that when we use the expression we mean the nameless thing which has hitherto masqueraded as an Act. The amending Act, IV of 1914, has inherited the taint of its parent's origin, and we have to make a similar apology for its existence. The third clause enacts the Act in its proper form with effect from August 1st, 1914, and gives validity to everything that has been done under colour of what has hitherto been taken to be the Act. To this clause there are three provisos which provide for the appeals which lie to the Chief Court under Mr. Shafi's unaccepted amendment. These appeals fall into three classes: past, pending and to be. The first class consists of appeals which have actually been decided. It is believed that there are none. At the same time we must take no risks. The second class consists of appeals which have been instituted in the Chief Court and are now pending there. The third class consists of appeals which have not yet been instituted but which, if now instituted in the Chief Court, would be in time under the law of limitation applicable to that court.

"The first class of appeals, those which have already been decided, we propose to validate. In regard to the second class of appeals, those which are now pending, we propose to allow the Chief Court to return them for presentation to the proper court within such time as the Hon'ble Judges may fix. In regard to the third class of appeals which have not yet been instituted but which may yet be instituted in the Chief Court and would be within time if so instituted, we propose to enact that there should be a further period of limitation of 30 days from the commencement of the Act.

"That, Sir, is our Bill and I think Hon'ble Members will agree that now that the position has been published to the world it is essential that immediate action should be taken unless the whole fabric of our Civil Courts is to be challenged and their work brought to a standstill. Fortunately, we have on the Council a number of able lawyers and what I would propose at a later stage, if my present motion is accepted, is that the Bill should be referred to a strong Select Committee with instructions to report in time to enable the Bill to be passed into law before the close of this session. I beg to ask leave to introduce the Punjab Courts Act Amendment and Validation Bill."

The motion was put and agreed to.

The Hon'ble Mr. Thompson introduced the Bill and moved that it be referred to a Select Committee consisting of the Hon'ble Mr. Fazl-i-Hussain; the Hon'ble Mr. Parker, the Hon'ble Diwan Daulat Rai, the Hon'ble Pandit Sheo Narain, the Hon'ble Raizada Bhagat Ram, the Hon'ble Mr. Gracey, and the Mover.

The motion was put and agreed to.

PUNJAB COMPULSORY EDUCATION BILL.

The Hon'ble Mr. Richey :—

"I rise to ask leave to introduce the Bill to make provision in the Punjab for the compulsory attendance of children at primary schools. The idea of introducing the element of compulsion into the educational system of this country was first brought definitely before the people of this Province by the circulation of Mr. Gokhale's Primary Education Bill in 1911. I do not mean to say that the educated community were not familiar with the idea of compulsory education as enforced not only in Western countries but even so near

[*Mr. Richey.*]

home as Ceylon and Baroda. But I venture to think that few even of the most ardent reformers had till then contemplated the possibility of its early introduction in the Punjab.

"The idea, however, having once been formulated in terms of practical politics has been very freely and favourably discussed. It is no longer unfamiliar: and I trust and believe that in introducing this measure to-day the Punjab Government has behind it the support of the majority of those people in this Province who are competent to form an opinion on the subject. I say of the majority only, for I fear, and the experience of all countries in which such a measure has been introduced justifies the fear, that there must still exist in the minds of a number of educated people a doubt not only as to the practicability of the present measure but even as to the wisdom of the principle underlying it. Since there is little to be gained by preaching only to the converted, Hon'ble Members will excuse me if I deal very briefly with some of the doubts, which though they may not often find public expression, do undoubtedly exist as to the advisability and practicability of this measure. I do not propose to advance arguments in support of the general principle of compulsion. It will be generally admitted that the greatest asset of a state is the brains of its people and that its prosperity and position in the world will ultimately be dependent on its development of this asset. The wealth and importance of Japan for example are due not so much to the material resources of that country as to the character and above all the developed intelligence of its people. It will also though perhaps less readily be conceded that the community is as much responsible for the mental and moral welfare of its constituent members as it is for their bodily well-being, and that where this duty is neglected by its responsible agents, in this case the parents, the duty must be directly assumed by public authorities.

"But there is a considerable body of opinion, I have heard it expressed in this country and it is by no means unknown in England, which doubts the wisdom of forcing general education on the children of the agriculturist and the artisan. Practical training is all they need, it is said. Well, it has been my duty during the last year to sit on more than one committee to discuss agricultural and industrial education. It was the unanimous opinion of the committees, and their decision is in accordance with experience all over the world, that no effective agricultural or technical instruction can be given to a boy until he has had a modicum of general education. For any improvement in the agricultural and technical industries of this Province therefore a wide diffusion of primary education is a necessary preliminary.

"It is a much more difficult task to prove the applicability of the present proposals to the present state of education in the Punjab. The proof here must consist largely of facts and figures. No one can doubt that some localities in the Province are far more ready for the introduction of compulsion than others. It is here that the principle of local option, which is borrowed from Mr. Gokhale's Bill, comes to our help. While I know from experience that to assess the educational needs of the Province as a whole is a tremendous task; to calculate the needs of any small area such as a municipality in which education is already well developed, is a far less formidable undertaking. It is satisfactory to learn that certain local bodies, *e.g.*, the Municipalities of Lahore and Multan, have already taken steps to collect the necessary statistics. I have no data as to the percentage of children attending school in any particular municipal area, but I believe from general information at my disposal that in certain of the smaller municipalities the percentage will be found to be high, indeed considerably in excess of the 43 per cent. which was the attendance in England when compulsion was introduced in that country.

"I have heard the principle of local option criticised. It is to my mind the most essential feature of this Bill; the one thing which transforms it from a mere counsel of perfection to a practical measure of reform. No one would

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suggest that the Local Government should by a mere sweep of the pen declare education to be compulsory throughout the Province. There are still large areas unschooled and wholly unfit for compulsion; there would be no machinery to enforce it. The alternative is for certain areas to be selected in which compulsion should be enforced. This is exactly what the present measure proposes to do. Obviously the selection must be made not only with the concurrence of the local authorities and, if it is to be anything more than nominal, it must be in accordance with a very real local demand. To tell a municipal committee, which itself does not want compulsory education, that it must enforce compulsion in the teeth of popular opposition is the very negation of local self-government. The Municipal Commissioners would then be acting neither in accordance with their own opinions nor as representatives of their constituents. The Local Government by introducing this measure invited local authorities to propound schemes for compulsory education in their areas. It asks only that there shall be firstly a genuine local demand and secondly an adequate scheme. Given the local demand the question resolves itself largely into one of ways and means. And on this point I can only assure Hon'ble Members that Government would never have introduced this Bill if it had intended it to remain a dead letter. If a local authority is prepared to do its best to provide proper facilities, it may rest assured of Government support.

" I will now ask your permission to touch briefly on the main provisions of the Bill itself.

" The Bill differs from similar measures introduced or proposed to be introduced elsewhere in that it is in two parts, the first of which becomes immediately operative if the Bill is passed, the second of which is rendered operative by notification by local authorities in areas under their control. There are certain obvious advantages in this arrangement, chief amongst which is its simplicity. A local authority issuing a notification knows that it is enforcing sections 10 to 19 of the Act *in toto*, that and no more.

" In Section 2 of the Act you will see that the term 'local authority' is given the widest significance. Mr. Patel's Bill recently passed by the Bombay Legislative Council and other draft Bills which are suggested for other Provinces are limited in effect to municipalities. The advantages of such a limitation are not quite obvious. It is merely a question of time, and I trust not of a very long time, before district boards may begin to make use of this Bill (if it is passed) for certain areas under their control; and it is quite possible that some small towns and notified areas may be able to avail themselves of it more easily than larger municipalities.

" Section (3) prescribes the procedure to be followed by a local authority wishing to introduce compulsion. It follows closely the procedure laid down in the District Boards Act, since that is already familiar to local authorities.

" Section (4) empowers local authorities to raise money to enable them to introduce compulsory education. You will see that the same procedure is followed. This is in order to allow local authorities to take action as in sections 3 and 4 simultaneously. That is to say the ordinary procedure of a board wishing to introduce compulsory education would be first to make enquiries as to the additional accommodation needed, expense involved, &c. Then to hold a meeting, as in paragraph 1 of Section 3, to consider the whole question of introducing compulsion, more especially the necessary ways and means. When submitting its proposals to Government under paragraphs 3 and 4 of Section 3 of the Act it would at the same time, if it was found necessary to raise special funds in order to carry out those proposals, ask for sanction under section 4 for levying the additional taxation. The proposals would thus come before Government in a complete form for sanction.

[Mr. Richey.]

"Section 5 of the Bill provides for its extension when the time comes to girls also. With the growing movement in favour of female education in this Province it may be found that the insertion of this provision is justified by more than a groundless optimism.

"Sections 6 to 8 allow for modifications in exceptional circumstances.

"Section 9 provides for the making of the necessary rules.

"We now come to part II.

"Section 10 consists of a single sentence of portentous length. Its meaning is however, I believe, perfectly clear. You will see that the period of compulsory attendance is fixed at four years. Since the average duration of school life in this Province of boys at present attending school appears to be between three and a half and four years, the Bill merely proposes to enforce the existing practice. It will mean however some modification of existing courses since town schools at present do not contain four vernacular classes. Latitude is given to alter the ages of attendance. This may be necessary, for example, in rural areas where boys have further to walk to school. In Canada, I understand, the minimum age of attendance is seven, presumably for the same reason.

"You will see from section 11 that the maximum distance suggested is two miles. Mr. Gokhale's Bill proposed one mile and this is the distance adopted in Mr. Patel's Act. This, however, is only applicable to municipal areas in which few boys will have to walk over a mile to school. A limit of one mile would very much restrict the operation of the Bill in rural areas, where the provision of schools at distances of two miles from each other is the ideal at which we aim.

"It will be noticed that in the remaining paragraphs of this section the parent has to satisfy some competent authority for the retention of his boy from school. In Mr. Gokhale's Bill it was given as a reasonable excuse that the child is prevented from attending school 'by reason of sickness, infirmity, domestic necessity, the seasonal needs of agriculture or other sufficient cause': and a somewhat similar provision is found in the Bombay Act. But if the decision as to the reasonableness of the excuse is to be left to the parent, and it must be remembered that we are dealing with parents who do not *want* to send their boys to school, irregular attendance, that curse of primary education, may become the rule instead of the exception.

"Section 12 calls for no special comment.

"Section 13 deals with remission of fees.

"A good deal has been said and written about, the question of free education. I must admit that all that I have seen on the subject has been very disappointing. It seems to pre-suppose that all boys attending schools in municipal areas are attending municipal schools. Of course this is far from being the case.

"As a matter of fact there are only some 10,000 boys in municipal schools in the whole province, in fact there are only 100 municipal schools; whereas the number attending aided institutions, especially the primary departments of secondary schools is probably over half a lakh.

"You cannot tell managers of aided institutions to make their primary departments free. If, however, a municipality makes education free in its own schools or school, it must be prepared either for a large influx of pupils from fee-paying schools, or else to compensate the managers of aided schools who will be forced to follow suit.

"I may add parenthetically that when primary education was made free in the North West Frontier Province, we did not shirk this difficulty, we raised at

[*Mr. Richey.*]

the same time the fees in secondary departments to compensate managers for the loss of primary fees.

"In this Bill however we are not dealing with secondary departments and we have frankly faced the situation as it is. We have said that if a municipality on introducing compulsory education desires to remit fees in whole or in part to all or some of the parents, then it must compensate the managers of aided schools for their pecuniary loss. I hope and believe that municipalities will undertake this responsibility, but they must realise that it will be no small charge.

"Incidentally I must point out that school fees form the lesser part of the cost of schooling, and that a parent who is unable to pay fees will certainly be too poor to buy school books and school material for his children. Local authorities will have to take account of this item when preparing their schemes.

"Sections 14 to 18 describe the means to be employed to enforce compulsion. They are purposely made as simple as can be so that they may be easily explained even to the most illiterate parent.

"Section 15 prohibits the employment of children of school-going age during school hours. The Bombay Act entirely prohibits the employment of children of school-going age for profit, and Mr. Gokhale's Bill went even further. I believe the proposal made in this measure will suit the conditions in this province. In introducing a measure of this sort it is essential for its smooth working that it shall not upset the ordinary life of the community more than is absolutely necessary. It is probable that a good many boys at present attending school do find employment out of school hours; and to prohibit entirely the employment of children of school-going age would upset these existing arrangements. I doubt if any employment out of school hours which a boy between the ages of 6 and 10 is fit for is of so arduous a nature as to interfere with his education.

"In section 16 you will note that the local authority may appoint more than one attendance committee if it thinks fit. I believe this will be found a useful provision in large municipalities and rural areas where the amount of work to be done is considerable. It is, I think, a feature peculiar to this Bill.

"Section 19 calls for no comment.

"In conclusion I have only to say that the introduction of this measure does not imply that there will be any relaxation of the efforts of Government to extend primary education on a voluntary basis. On the contrary we propose to press on with the opening of new schools and the improvement of existing ones; so that more and more areas will become ripe for the introduction of the compulsory principle.

"If I have taken up some time of this Council in introducing this measure, its importance must be my excuse. How far-reaching may be its effects none of us present here can estimate. The effects of the introduction of compulsory education in England over 40 years ago are only beginning to be realised. In this province we propose to begin gradually, tentatively, learning as we go, one local authority profiting by the experience of another. But I believe that the movement once initiated will gather momentum as it proceeds; and that the time is not so far distant as it may appear to many Hon'ble Members in this Council, when a measure of compulsory education will have extended over a large area of the Punjab.

"With these words I beg leave to introduce this Bill for the provision of Compulsory Primary Education in the Punjab."

[*Sardar Bahadur Sardar Gajjan Singh ; Rai Bahadur Ram Saran Das ; Khan Bahadur Khwajah Yusaf Shah ; Mr. Richey .*]

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

"YOUR HONOUR,—I rise to support the introduction of the Bill which the Hon'ble Mr. Richey has asked leave to introduce and in so doing I beg to offer my hearty congratulations to you, Sir, for taking an initiative in this matter. As is well known, in other provinces no head of the administration up to this time, I believe, has introduced a Bill of this nature on behalf of the Government. In Bombay and other places I understand that the Bills were introduced by the non-official members. That clearly shows that the well-being of this province is so near to you, Sir. The details of the measure need not now be discussed, but I will point out that when dealing with rural areas your Government, I think, would be more generous in contributing greater share than their local bodies can afford, and I also think, Sir, as has been very rightly pointed out by the Hon'ble Mover of this Bill, that the existing schools, more especially which have been worked by the various religious societies, will also be encouraged and allowed free scope. With these remarks I beg to support the introduction of this Bill."

The Hon'ble Rai Bahadur Ram Saran Das :—

"YOUR HONOUR,—It is with great gratification that we receive the introduction of this Bill. But, Your Honour, there is one question about which the people are very anxious. They want to learn the share Government will provide for the provision of primary education. It is well-known that the resources of local bodies are quite inelastic to provide any large expenditure for education. It is also well-known that the scope of fresh taxation available to the local bodies is also very limited. Under these circumstances the success of the Bill will depend to a very large extent on the amount of money provided for by Government. Your Honour I accord a hearty support to the motion of the Hon'ble Mr. Richey."

The Hon'ble Khan Bahadur Khwajah Yusaf Shah :—

"YOUR HONOUR,—I entirely support the principle of this Bill while reserving my views to a later stage as regards its details.

"The time has entirely come to make provision in the Punjab for the compulsory attendance of children at Primary Schools. We should certainly encourage all genuine desire on the subject in the province. But I will add this.

'While we should hail to foster the growth of this very worthy desire we should not force the pace of progress against the will of the people where the people themselves should not be willing to go for compulsion—there the Bill should not be forced on them—but I do think that the Bill as drafted ought to be introduced at once.'

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

The Hon'ble Mr. Richey :—

"I now move that the Bill be circulated for the purpose of eliciting opinion thereon. The Bill has already been printed in October last and was published in the Gazette for criticism, but it has not been definitely circulated to the Hon'ble Members. I have so far received only one criticism but at any rate criticism will be invited by circulation of the Bill which will be considered later on by the Select Committee.

"I also beg to move that the Bill be referred to a Select Committee consisting of the Hon'ble Messrs. Thompson, Lumsden, Gracey, Fazl-i-Husain, Sheo Narayan, Daulat Rai, Gajjan Singh, Mehdi Shah and myself."

The motions were put and agreed to.

[*Sardar Bahadur Sardar Gajjan Singh.*]

THE JUVENILE SMOKING BILL.

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

"YOUR HONOUR,—I beg to present the report of the Select Committee and beg leave to move that it be taken into consideration. While fully acknowledging the sympathetic attitude of the Hon'ble Members—official and non-official—I beg to submit, Sir, that with the exception of one clause (4), which the Select Committee has by a majority of 5 to 2 decided to omit, the Bill meets with my entire satisfaction."

The motion was put and agreed to.

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

"YOUR HONOUR,— As I at first pointed out, the Select Committee has by a majority of 5 to 2 recommended the omission of clause 4 altogether. Your Honour, clause 4, as originally proposed by me in the Bill according to the views of the Select Committee, was open to various objections, I then offered to amend the Bill in all important respects. In the first place, I offered to amend the Bill by substituting the word 'boy' in place of 'person,' thereby excluding the girls altogether from the operation of this Bill. The second amendment, which I offered to make to the Select Committee, was that in place of 'the duty of' I wanted to substitute the words 'lawful for.' Notwithstanding these amendments the Hon'ble Members of the Select Committee were of opinion that the clause in this form was likely to lead to trouble and that it was doubtful whether it would have any check upon the habit of smoking. Since that, Sir, I have considered the clause and have submitted an amendment to this Council in which, I submit, Sir, I have introduced a modification. In the first place, I shall deal with the reasons which the Select Committee consider are likely to lead to bad results. Mainly, I understand, Sir, that the Select Committee were of opinion that in case of boys who are 16 years of age if cigars and cigarettes are snatched from them they might resent it and there might be trouble.

"For the purposes of this clause in the amendment I have reduced the age from 16 to 14 years. Of course, Sir, as I then offered to amend the Bill, I have again substituted the word 'boy' in place of 'person.' This means that I exclude the girls from the operation of the Bill. Further, I have introduced several other changes, as for instance in my original clause that it shall be the duty of the persons specified therein to perform certain acts to check the habit of smoking by juveniles. Obviously that was open to objection and in deference to the opinion of the Hon'ble Members instead of the words 'the duty of' I have agreed to substitute 'lawful for.' The result will be, Sir, that those persons specified by me in the clause can snatch the cigars and cigarettes from the hands of the youths if they so desire it. Anyhow, Sir, this word 'lawful' will save them from all the possible prosecution and assaults and therefore it is essential that this power as amended should be conferred upon them. Further on, Sir, I have extended the names of the various persons to whom I propose to give power. I have now added the members of the municipal committee, members of the district board, members of the notified area, magistrates, legal practitioners and qualified doctors. All of them belong to responsible positions in the world and I hope that the powers in their hands will be powers entirely in safe hands. Further, I have omitted the words *sufedosh* from this clause mainly on the ground that *sufedoshes* are generally lamabdars. Then, Sir, I have further amended the power to make a search with a view to seize cigars and cigarettes. I have now limited my clause simply to seizing the cigarette or cigar or pipe which the boy actually may be found using at the time. With these precautions, Your Honour, I beg to point out that the clause in its amended form loses all its evil consequences

[*Sardar Bahadur Sardar Gajjan Singh; Rai Bahadur Chaudhri Lal Chand.*]

and I hope the Council would find themselves in a position to accept it. In fact, Sir, I have no doubt that if I had amended the clause in the way in which I have now amended it I am almost sure that many and probably all the members of the Select Committee would have supported me. As regards the real necessity of this clause, Sir, I beg to point out that a clause similar to the present one does exist in the form of section 40 in the Children's Act of Great Britain. There it is not only lawful for certain persons to exercise the powers of seizing the cigars and cigarettes, but it is the duty of such persons. Similarly, Sir, we find a clause on the lines of the Children's Act in the Act of Baroda State. There also it is the duty of certain persons enumerated in that section to seize cigars and cigarettes. But in deference to the opinion of various officers, as I submitted, Sir, I have removed the words 'the duty of' and substituted it for 'lawful for.' Therefore, Sir, the precedent is in favour of retaining the clause. As regards the public opinion I think, Sir, that though there has not been much time since the publication by the Select Committee of the Bill, still, Sir, I boldly assert before this Council that the public opinion during this short period has manifested itself in most unmistakable terms as regards the necessity of retaining this clause. Meetings have been held at Lahore and at Amritsar and those meetings have unanimously resolved that this clause is absolutely necessary if the good effects of this legislature are to be reaped by the Punjab. Besides that, Sir, the important leading newspapers of the province have strongly advocated the retention of this clause. As regards the opinion I might quote only one out of many the opinion of Sir Protul Chandra Chatterjee :—'In some parts of the Punjab I have seen little boys of 4 and 5 years beginning to smoke, and have wished to snatch what they had out of their hands.' And similarly another Deputy Commissioner of experience has also stated that it was with difficulty that he prevented the temptation of snatching the cigarettes from the hands of boys. Therefore, I have no doubt that the opinions both of the press and of the public and all experienced officers are in favour of the retention of this clause of the Bill. And, Sir, I also beg to submit that the members of this Hon'ble Council also expressed themselves sometime in the last meeting very strongly in favour of the retention on the ground that this is a public nuisance to see the boys smoking in streets and public places and for certain obvious reasons, which I need not mention in detail, it is, I submit, Sir, the duty of this Council to safeguard the interests of the boys when they are away from the influences of their parents. Therefore, Sir, I most strongly beg to urge that the amendment as submitted by me which runs as follows :—'If any boy apparently under the age of 14 years be found smoking any cigar, cigarette or pipe in any street or public place, it shall be lawful for any police officer, lambardar, zaildar, teacher of a school, member of a municipal committee, member of a district board, member of a notified area, legal practitioner, qualified doctor or magistrate to seize such cigar, cigarette or pipe and destroy the article so seized'—may be accepted. There is also another improvement. In the original Bill it was provided that such cigars and cigarettes should be sent to the police station, but I provide now that the cigars and cigarettes may be destroyed, because in certain cases the police station may be at a distance. I put forward this amendment for the acceptance of the Hon'ble Members."

The Hon'ble Rai Bahadur Chaudhri Lal Chand :—

"YOUR HONOUR,—I was a member of the Select Committee which decided against clause 4. I must confess that I was not then in favour of the present clause. Since then, however, I have received the opinions of many persons who are of opinion that clause 4 ought to have remained on the Bill. In view of these opinions, as well as in view of the fact that the Hon'ble Mover has lowered the age from 16 to 14, I think, I may be excused if I support the amendment.

[*Rai Bahadur Chaudhri Lal Chand ; Mr. Craik.*]

"To me, honestly speaking, it appears that we cannot effectively check the habit of smoking by juveniles, so long as we make no provision for the punishment of the boys themselves: that, however, the public is not prepared for, and the little that may be done in that direction ought to be welcomed. The amendment only makes it legal for certain respectable persons to snatch the cigarette from boys under 14. This most of us generally do even now when we see a boy smoking. We give the boy a rebuke and in almost all cases the boys themselves throw away the cigarettes. The demand therefore which the Hon'ble Mover makes is very modest and I support him."

The Hon'ble Mr. Craik :—

"YOUR HONOUR,—I rise to support the majority of the Select Committee and I regret that that majority has become smaller by the defection of one of its members. Still I think it my duty to put before the Council the reasons for the finding which the Select Committee arrived at by a majority of 5 to 2. I wish to make it perfectly clear that I speak entirely in my private capacity as a member of the Select Committee, and not in any way as representing the views of Government. Government as such has no views on the question at issue, except as regards one minor point, which I will explain later. The reasons which led the Select Committee to exclude clause 4 as originally drafted and which now influence me in opposing the Hon'ble Sardar Gajjan Singh's suggestion to reintroduce the clause are as follows. We understood that the clause is based on one in the English Act which deals with the question of smoking by juveniles. The section of the English Act is roughly as follows :—'It shall be lawful for any park-keeper in uniform or constable to seize a juvenile smoking and take away any tobacco in his possession, and for that purpose he may search any boy, but not any girl.' That is the sort of clause which was probably introduced in the House of Commons by some amiable faddist and passed in a very thin House and I think the probability is that it has remained a dead letter since the day of its passing. In any case we have not got any officials corresponding to park-keepers in India, and in the Select Committee we came to the conclusion that the effect of this clause would probably be that for the first two or three months there might be spasmodic activity on the part of the officers empowered by it in chasing little boys seen smoking in public. That sort of activity might lead to a considerable amount of difficulty and unpleasantness. Parents might go and make complaints that their sons had been roughly treated, there would be exaggeration, and there might be hostility and enmity caused which might lead to litigation. After the first two or three months I feel fairly confident that the clause would become an absolute dead letter. I think, Sir, that the Hon'ble Members who have spoken have viewed the question too much from the point of view of the authorities who will administer this law and it would be as well to consider it from the point of view of the juvenile smoker himself. I notice, Sir, in this chamber a number of young gentlemen, whose interest in the proceedings of this Council must be flattering to all of us. Possibly some of them may occasionally in off moments indulge in this deplorable habit, and I regret that the rules of this Council do not permit our taking their opinions. But when I looked in their direction during the speech of the Hon'ble Mover, I noticed a smile on the faces of some of the audience, and I am not surprised at it. If Hon'ble Members will look at the wording of the amended clause they will find that certain officials from a police officer up to (or down to) a qualified medical practitioner are empowered to seize from a boy under the age of 14 years any cigar, cigarette or pipe which he may be seen smoking. Cigarettes are generally sold in packets, and obviously the boy has only to go round the corner and light another. Can it be seriously urged that the grant of these powers to certain functionaries or individuals will really have the effect of checking the habit of smoking? Is it not better to stop the sale of tobacco to juveniles as we have

[*Khan Bahadur Malik Muhammad Amin Khan ; Diwan Bahadur Diwan Daulat Rai ; Mr. Craik ;*]

proposed in the amended Bill, and if further action is necessary to follow the unanimous recommendation which the Select Committee has made and levy a tax on cigarettes? That is all I have to say on the general question. But I have one or two observations to make with regard to the wording of the clause. For instance it would be quite enough to have the wording 'tobacco in any form' instead of 'cigarette, cigar, or pipe, etc.', and the definition of public place might well be shortened and simplified. One other point I mentioned just now was that there was one matter on which Government had decided views and that is that the Police should not be called upon to carry out the provisions of the Bill. I recollect that when the original Bill was circulated the Inspector-General of Police expressed the opinion that his officers and men should not be asked to interfere in this what is really a domestic matter. It will only expose them to unpleasantness and possibly to charges of oppression. I therefore hope that in any case, even if the amendment be carried, the Hon'ble Mover will exclude police officers from the scope of the clause. Before I sit down I venture to express my hope that the other members of the Select Committee who formed the majority in opposing the retention of this clause will maintain their opinions and support me in my opposition to the amendment."

The Hon'ble Khan Bahadur Malik Muhammad Amin Khan :—

"YOUR HONOUR,—I strongly support the amendment. The original object of the Bill as intended by the Hon'ble Mover and as supported by public opinion in the Province was to prevent juveniles from smoking tobacco. The Bill as it has emerged out of the Select Committee does nothing of the kind. A boy might indulge in as much of smoking as he likes and that in the open too, without his conduct coming within the purview of any section of the Bill as brought out by the Select Committee. The Bill in this shape in my opinion falls considerably short of its avowed objects. Suppose a boy under 16 is seen smoking. If some one had the power of snatching from him his cigarette or his tobacco pipe, the boy would be prevented from smoking and our object achieved. But if there is no such power, the boy can continue to smoke and the law would only be concerned with the question who sold or gave the tobacco to the boy. How is this question to be settled? How are we to discover who gave or sold the tobacco to the boy when the only evidence will be that of the boy who will naturally try to protect the seller or the giver? Tobacco need not be secured by boys in the open.

"With these words I support the amendment."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—

"I also beg to support the amendment, Your Honour. There are three reasons which are mentioned by the Hon'ble Mr. Craik in opposing this amendment. The first is that the clause is based on the original section of the English Law which relates to the power of park-keepers and police officers to snatch away and search any boy or girl."

The Hon'ble Mr. Craik :—

"No, not search any girl."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—

"The present amendment does not go to that extent. It only says the boy who is smoking the cigarette.

"The second point was that there will be enormous complaints on behalf of the parents about the check made upon the liberty of their boys. I assure the Hon'ble Council that when the parents are told that their boys under 14 years are smoking and that certain philanthropic gentlemen

[*Diwan Bahadur Diwan Daulat Rai ; Colonel Hendley.*]

checked them from so doing. I do not believe that they will have any reason to complain of it. They would on the other hand be thankful for it.

"The third point was that we should look into this matter from the young men's point of view and the little smiles on the lips of the spectators created a sort of argument which he put forward. My submission is that the whole Act will be powerless to protect the evil which is intended to be checked, if we do not exercise in this legislature the power of making the boy feel that he is not at liberty to smoke. If the cigarette is snatched from the boy he will go round the corner and light another, but he will have to count on his previous experience.

"My submission therefore is that the amendment as has been put forward by the Hon'ble Sardar Gajjan Singh be accepted with the exception of course that the 'police officer' be eliminated from the amendment, as suggested by Mr. Craik."

The Hon'ble Colonel Hendley :—

"It seems to me very likely that we are getting away from the object of the Bill. I do not believe in what was said at the last Council by the Hon'ble Mover that the Bill was to do away with the nuisance of smoking in public places. If the Bill is to be of any use it should, according to the object of the Mover, prevent the effects of smoking on the growing youth. There is one thing especially in this amendment which I strongly object to and that is the reduction of age in the clause from 16 to 14. The youth really needs to be protected at the age of 14. So many of us know it that a young man who goes to college breaks down. It is not that anything has happened at the college to make him break down, but almost in every case it will be found that it is due to something before he went to the college and that was between the ages of 12 to 16. It is at that age that he is likely to be subjected to all kinds of vicious habits. I am not going into all the kinds of habits but amongst those I should include smoking. Now in the Bill it is said that the boy's age should be apparently under 16. I am extremely glad that the word 'apparently' has been introduced. That of all opportunities for getting round the provisions of the Bill would suffice. That will do away with the necessity of obtaining a medical certificate. I think it will be quite easy for a Magistrate to see that a certain boy who is very youthful in appearance and who looks to be still a boy, to exercise his discretion to declare him as such."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—

"You are very careful about your own department."

The Hon'ble Colonel Hendley :—

"I can say that it is a very difficult thing for an average medical officer to judge of a boy's age. An expert may quite easily say that a boy is under the age of 16 but for any ordinary practitioner it is very difficult. This by the way.

"About this being unworkable, supposing a lambardar from outside the city comes and sees a boy smoking. If he decides to stop the boy and seize his cigarette, who is to say that that man is a lambardar? Then, supposing a *badmash*, who gives himself out as a lambardar, comes along and sees a boy smoking and seizes his cigarette. Possibly the boy being of 16 years objects to it, what is there to prevent the *badmash* from knocking the boy down? Then again, supposing a number of boys meet a foreign gentleman who looks like the lambardar who snatched cigarettes from them. The result would probably be that he would be badly handled by them and in turn they are given a term of imprisonment by the Magistrate. You will all see how extremely

[*Rai Bahadur Bakhshi Sohan Lal ; Mr. Maynard.*]

disagreeable it will be for the parents and if the boy is convicted it might spoil his chances of public service. These are all the troubles that occurred to Select Committee and I have pleasure in giving my support to the majority of the Select Committee."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—

" Personally I am very much against the habit of tobacco smoking not only amongst children but also amongst adults. I have reason to believe that the habit injuriously affects the health and constitution of the smoker. So far as my impression goes almost all the Members seemed to be in sympathy with the provision of clause 4, but they apprehended rows between youngsters and elderly persons in public places leading to consequences worse than the habit of smoking, and may have the effect of rendering children disrespectful towards the elders. The reduction of age from 16 to 14 and exclusion of females from the effect of the Act would not in my humble opinion prevent differences between youngsters and elders. The real check which can be effective would be some punishment to the youngsters in the form of a few strikes of cane, but the Hon'ble Mover did not approve this. It will have to be decided by the courts whether the youth was actually keeping the cigarette in his mouth or in his fingers. There is also an apprehension of molesting a boy on the false pretext of his smoking cigarettes. I therefore am constrained to oppose the amendment."

The Hon'ble Mr. Maynard :—

" YOUR HONOUR,—I should like, in the first place, to express my profound sympathy with those who like the Hon'ble Mover of this amendment are eager to find a method of putting a stop to the evil practice of juvenile smoking. But having said so much I should like to add that I think the method by which he proposes to attain his object is not likely to be efficacious and is likely to cause mischief. In the first place I know, as has been pointed out by the Hon'ble Member who spoke on behalf of the Select Committee, that this clause does not in any way aim at the prevention of, or at putting a stop to, the juvenile smoking. What it does is to endeavour to put a stop to juvenile smoking in public places. That I should like to point out is entirely a different matter. It is one thing to seek to put a stop to the scandal of smoking in public places and it is altogether another thing to seek to put an end to a habit which is undermining the constitution of the young. In the first place, then, my objection to this clause is that it will not have the effect which presumably the Hon'ble Mover of the amendment has at heart. Its chief result would be to drive that habit underground. In the next place, Sir, I should like very briefly to say that my experience of over 31 years as an administrator has taught me to realise what the abuses of the authority can be: It is imagined by those who are a little familiar with the real working of the law that the real practice of its subordinate enforcers does suppose that it is sufficient to make a law in order to produce half a dozen results. That, Sir, is a mistaken idea, and it is certain to me and it has been made certain to me by some bitter experience of my department in my endeavour to do things by compulsory measures. It is certain to me that the fewer the persons who are empowered by law to lay their hands the fewer will be the abuses and the less cause there will be for complaints. We have been told, Sir, that there are precedents for this particular measure, and attention has been directed to a provision of an English Law which provides that the park-keeper or a constable may in certain circumstances take away tobacco from a young person whom he finds to be smoking.

[*Mr. Maynard ; Mr. Richey.*]

"It is not sufficient to say that a law on a particular subject has been made in a particular country. It is necessary to know what the actual working of that law is. It is necessary to know whether it is in practice a dead letter and whether it leads to abuses. And it is not sufficient to argue that merely because a section exists in a particular law therefore that is an adequate precedent to follow. More than that, if it were demonstrated that there exists a law which is enforced in certain areas of United Kingdom of Great Britain and Ireland for the forcible interference by authority with juvenile smoking it would still remain to demonstrate that the conditions in the Punjab are in any way similar to those which exist there. Surely, Sir, all the Hon'ble Members who are willing to contemplate in a candid spirit the real facts of life in the two countries must be well aware that the condition of public opinion in the United Kingdom is such that abuses which might very easily be practised here and are, as we all know, actually practised here, abuses of that kind can be and are checked by the operation of public spirit and public opinion in the United Kingdom. It has also been told that a provision of the same sort exists in the law of Baroda State. But there also, Sir, it is not sufficient that such a law exists. It is necessary to know whether that law is actually in force or not. If I may be allowed the use of a vulgar expression before an august body such as this, I should say it is necessary to make sure that such provisions elsewhere are not mere eyewash. Finally, Sir, I should like to say that there appears to be an attempt to substitute for the natural parental responsibility an artificial responsibility which it is proposed to thrust upon authority. If the parent feels strongly enough in this country that the juvenile should be prevented from smoking if it is the parent who should try to prevent it. It is the parent who is capable of seeing or finding out what the child is doing not only in public places but also in his own house. In conclusion, I would say that at present, as it has been suggested by one Hon'ble Member, those people who are really and genuinely interested in this matter of preventing the young from smoking, will probably know that the provision of this Act if it should become an Act and this clause if it becomes a part of this Act would not long continue to exercise a beneficial authority even if it be to prevent juveniles from that which is bad for them. Therefore, in this respect there will be no change. In other respects the clause would, I submit, have no effect whatever because it would give occasional opportunities of trouble which do not exist at present for abusing the position which the law confers upon certain persons."

The Hon'ble Mr. Richey :—

"I should like to support the amendment, Your Honour. This Bill deals with that section of the public with which my department is specially concerned, and it gives a great aid to my department. I am somewhat surprised to hear the speeches made by some of the Hon'ble Members who have opposed the Bill. The Hon'ble Mr. Maynard has just said that the work this Bill has proposed to do should really be done by the parents. Remember that it is not done by them in practical politics. It is done by the teacher. Much of the parental authority is left to the teacher. In almost all good schools smoking is forbidden amongst its pupils. The schoolmaster, although a conscientious and hard-working man, is at present entrusted with a great many duties which he finds it very hard to carry out. He is supposed to form the habits of his pupils mentally and morally. You will be simply surprised to know the duties of the schoolmaster. As this measure is to strengthen the hands of the schoolmaster, I therefore cordially support it. In my opinion the clause should be included as the Bill without this clause would have no effect. We have heard it said that this clause will lead to trouble. The Hon'ble Members perhaps do not always take account of the nature of the school boy. He is prepared very often to break the school benches, but he is very much less prepared

[*Pandit Jawahir Lal Bhargava; Mr. Currie; Raada Bhagat Ram; Mr. Craik.*]

to break the law. If smoking is against law, you will not see him smoking. The Hon'ble Mr. Maynard has said that it will lead to no complete check, but that it will lead to private smoking. Well, my experience, which is a fairly long one, is that the habit of smoking amongst boys is not for the sake of enjoyment so much as it is for swaggering in the public. If it is checked it will save him so much unnecessary expense. I am of opinion that this Bill will be very much welcomed if the duty of enforcing it is extended to the teacher, thereby strengthening his hands. For these reasons I beg to support the amendment."

The Hon'ble Pandit Jawahir Lal Bhargava :—

"YOUR HONOUR,—I also support the amendment because I think that without it the real object of the Bill will be frustrated to a great extent. It is necessary that some punishment should be meted out to the offender and this is the least punishment provided for in the proposed clause of the Bill. Of course I would agree with the Hon'ble Dewan Bahadur Daulat Rai that the words 'police officer' may be removed from the amendment, and it should be left for the other persons who are mentioned in the clause to have the authority to seize the article of tobacco to prevent smoking."

The Hon'ble Mr. Currie :—

"YOUR HONOUR,—I support the amendment because it will strengthen the authority of the schoolmaster."

The Hon'ble Raizada Bhagat Ram :—

"YOUR HONOUR,—Perhaps in the case of elected members, his private opinion does not count. I am speaking on behalf of people whom I represent. There is no doubt, as the Hon'ble Colonel Hendley has pointed out, that the habit of smoking by juveniles is an evil which should be checked, and it is our duty to do so.

"I have always had doubts about the working of the Bill and these doubts have not been dispelled from my mind. Taking the Bill as it is, we cannot do away with the word 'give' in clause 3. But, to illustrate my meaning, suppose I buy a few cigarette cases and I go to the railway station and I give it to a porter boy who may be apparently under 16."

The Hon'ble Mr. Craik :—

"I rise to a point of order. We are not discussing clause 3."

The Hon'ble Raizada Bhagat Ram :—

"I am only referring to clause 3 to illustrate the working of the Act. I am coming to the point."

The Hon'ble Raizada Bhagat Ram :—

"We have to consider whether without this amendment the Bill would be a useful statute on the statute book. The point whether the amendment makes it workable or not is another question.

"As regards the amendment, Your Honour, we find two or three questions which are worth considering. The first is the age which has been reduced from 16 to 14. Is it consistent? Secondly, I would draw the attention of the assembly to the fact, that if a mischievous boy stole his father's meerschaum pipe and took it out in the bazar to swagger, would it be right for the boy's

[*Sayad Makhdum Rajan Shah ; Mr. Thompson.*]

father to suffer if his pipe be destroyed? Thirdly, I doubt whether the snatching of a cigarette from a boy's hand by a person and smoking it himself would amount to snatching and destroying."

The Hon'ble Sayad Makhdum Rajan Shah spoke in Urdu, a translation of which is as follows:—

"YOUR HONOUR,—You might remember that when the Bill was laid last before the meeting of the Council, I fully explained that smoking was a social defect and its prevention by legislature cannot be anything but our social weakness.

"Now the question of compulsory Primary Education is under contemplation of the Government which will soon be introduced and by it small boys up to 10 years of age will be reading in schools up to 15 years. So in the school sphere the students can well be checked departmentally by school teachers.

"Now also I hold the same view that the Bill be not passed.

"Besides these defects which I already explained in the last Council meeting, one more defect in passing the Bill will be an increase in the litigation, so it will be better if efforts are made to check the smoking by lectures and *w'azes*."

The Hon'ble Mr. Thompson :—

"YOUR HONOUR,—I too like Mr. Richey support this amendment. I do this in the first place because I consider that as many Hon'ble Members have said, without some such provision as this, the Bill would be valueless. I do it secondly because I consider that by passing this amendment into law we shall afford to public opinion which has expressed itself so strongly in support of the Bill, an admirable opportunity of proving its seriousness. If the gentlemen on whom the amendment imposes this duty discharge it as it is intended that they should do, they will stamp in an open manner with public disapproval an act which is already very generally condemned and by so doing they will, I believe, be rendering a great public service. But my support of the amendment, is subject to three conditions. The first is that the words 'police officer' be deleted from the amendment clause. I propose this amendment not because I distrust the police, but merely because in a matter of this sort, I believe, the police should not set the pace. The police officer will be acting under the instructions of his superior officers in endeavouring to discharge his duties under this section. That to my mind is wrong. It is for public opinion to say how far they are prepared to carry out the provisions of the amendment, and I do not wish the police to outrun public opinion in their zeal. The second point on which I would suggest a verbal amendment is in regard to the phrase 'a member of a notified area.' I can understand what a member of a Municipality is, and I can understand what a member of a district board is, but I cannot understand what a 'member of a notified area' is. The words mean little more than 'area of a notified member' or any other haphazard conglomeration of words. What is meant is a 'member of a notified area committee,' and the clause should be amended accordingly.

"The third point is a small one, but it will be necessary to change the words 'qualified doctor' into 'registered medical practitioner.' This is the meaning which the Hon'ble Mover obviously desires, and I would therefore propose to substitute the words 'registered medical practitioner' in place of 'qualified doctor.'"

[*Rai Bahadur Ram Saran Das ; Mr. Craik ; Sardar Bahadur Sardar Gajjan Singh ; His Honour the President ; Mr. Richey ; Raizada Bhagat Ram ; Diwan Bahadur Diwan Daulat Rai.*]

The Hon'ble Rai Bahadur Ram Saran Das :—

" I beg to support the amendment in its modified form."

The Hon'ble Mr. Craik :—

" YOUR HONOUR,—I suggest that the amendment might be put to the vote and if the principle of the amendment is carried out I would propose that the wording might be altered later."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

" YOUR HONOUR,—It is with very great pleasure that I accept all the suggestions which have been offered by the Hon'ble the Chief Secretary. I have no objection that the words ' police officer ' should be omitted altogether. Sir, it is far from my intention to outrun public opinion. I have not the least objection to it. Similarly, Sir, about the correction of the wording ' any member of a notified area. ' I have no objection to adding the word ' committee. ' Similarly, Sir, I have no objection to the substitution of any ' registered medical practitioner ' as suggested by the Hon'ble the Chief Secretary in place of a ' qualified doctor. '

" With regard to the reducing of the age from 16 to 14 I am entirely in the hands of the Council. Personally I am in favour of raising the age if the Council agree, but I have not the least objection to whatever the Council decide."

His Honour the President :—

" In the amendment before the Council the Hon'ble Mover has fixed the age at 14 years, and it is suggested that it should be raised to 16. I understand that the Hon'ble Mover entirely leaves himself in the hands of the Council."

The Hon'ble Mr. Richey :—

" YOUR HONOUR,—The age should be taken as 14 years, because otherwise it would apply to colleges also."

The Hon'ble Raizada Bhagat Ram :—

" YOUR HONOUR,—There is no harm in raising the age to 16 years as the admission to the colleges requires a minimum age of 16 years."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—

" No, Your Honour, the age is 15 years."

The Hon'ble Mr. Richey :—

" YOUR HONOUR,—The admission to colleges is allowed at 15 years."

The motion that the age of 14 years mentioned in the amendment clause 4 proposed by the Hon'ble Mover be raised to 16 years was put and carried.

The Hon'ble Mr. Craik :—

" YOUR HONOUR,—Perhaps the Hon'ble Mover will accept the wording of the amendment to be put as follows :—

" If any boy apparently under the age of 16 years be found smoking tobacco in a public place it shall be lawful for any lambardar, zaildar, teacher of a recognised school, member of a municipal committee, district board or notified area committee, legal practitioner, registered medical practitioner or magistrate to seize such tobacco and destroy it."

[*Sardar Bahadur Sardar Gajjan Singh ; Pandit Sheo Narayan ; His Honour the President ; Diwan Bahadur Diwan Daulat Rai.*]

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

" I agree to that. I have no objection to the wording."

The Hon'ble Pandit Sheo Narain :—

" WOULD not the Hon'ble Member include Members of the Legislative Council ? "

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

" I have no objection " (laughter).

The motion that after clause 3, clause 4 in the following words be added was put and agreed to by the casting vote of His Honour the President, the votes being 13 all :—

" If any boy apparently under the age of 16 years be found smoking tobacco in any public place it shall be lawful for any lambardar, zaildar, teacher of a recognised school, member of a municipal committee, member of a district board, member of a notified area committee, legal practitioner, registered medical practitioner or magistrate to seize such tobacco and destroy it."

His Honour the President :—

" The Hon'ble Member will now move the subsidiary amendments. "

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

" YOUR HONOUR,—I now beg leave to move some consequential amendments which should also be accepted as a necessary consequence to the accepted amendment. Your Honour will observe in clause 4 that the words ' street or public place ' occur. This requires some sort of explanation. However, Sir, I beg to submit that the word ' street ' may be defined as in my amendment. The expression street shall mean ' any road, footway, square, court, alley or passage accessible whether permanently or temporarily to the public whether a thoroughfare or not. ' This clause I have borrowed from the Punjab Municipal Act. The expression ' public place ' is defined to include ' any public park, garden, railway station, railway carriage and any ground to which the public for the time being have or are permitted to have access whether on payment or otherwise. ' This definition, Sir, I have borrowed from the English Act. I submit, Sir, that these definitions may now be included in the Bill, and, Sir, I would also urge that the preamble of this Act should consequently be amended."

His Honour the President :—

" You had better take that first."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

" Very well, Sir. I would propose that in consequence of the inclusion of clause 4 the preamble may be changed. Instead of the title being ' a Bill to prevent tobacco from being sold or given to children in the Punjab ' we may put ' a Bill to prevent juveniles from smoking tobacco '. Similarly we may change the preamble which will read as follows :— ' Whereas it is expedient to prevent juveniles from smoking tobacco in the Punjab, it is hereby enacted as follows. ' "

The motion that the title as well as the preamble be worded as above was put and carried.

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—

" Supposing a shopkeeper, who generally keeps a *huka* at his shop, leaves his shop for a short time and his boy takes up the *huka* and begins to smoke.

[*His Honour the President ; Mr. Craik ; Sardar Bahadur Sardar Gajjan Singh ; Mr. Richey.*]

He, of course, does so without the permission of the shop-keeper. Would it be that his *huka* should be destroyed."

His Honour the President :—

"The Hon'ble Member is hardly in order, and I am afraid this cannot be allowed."

The Hon'ble Mr. Craik :—

"YOUR HONOUR,—We have so far altered the title and preamble, we may have further consequential changes."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

"YOUR HONOUR,—As I was explaining I borrowed the definition of a 'street' from the Punjab Municipal Act and the definition of 'public place' from English Law."

The Hon'ble Mr. Craik :—

"May I suggest, Sir, that we should accept the definition put by the Select Committee. With due deference to the definition given in the English Law, there seems no apparent reason to refuse the definition suggested and approved by the Select Committee, which runs as follows :—

"'Public place' means any place to which the public for the time being has access whether on payment or otherwise and includes a railway station and a railway carriage.

"This definition fully covers the meaning of 'street' also."

His Honour the President :—

"Does the Hon'ble Mover accept this definition ?"

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

"Yes, Your Honour. I have no objection."

The motion was put and agreed to.

The Hon'ble Mr. Craik :—

"May I also mention, Sir, that the Government of India have pointed out that the clause 4 which will be now clause 5 and which runs as follows :—'The Local Government may confer on any Bench of Magistrates, invested with the powers of a Magistrate of the second or third class, power to try summarily any offence under the Act'—will affect the provisions of section 261 of Code of Criminal Procedure and therefore required previous sanction of the Government of India. This sanction has been received, but it is necessary that the usual recital be included in the preamble of the Bill. I hope that there is no objection to this being done."

The motion was put and agreed to.

The Hon'ble Mr. Richey :—

"I propose, Sir, that professors of affiliated colleges should also be included in clause 4, or the clause may run 'any lambardar, zaildar, teacher of a recognised school or affiliated college, etc.'"

The motion that clause 4 as amended may further be amended to include 'teacher of an affiliated college' was put and carried.

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

YOUR HONOUR,—I have no other consequential changes to propose.

[*Sardar Bahadur Sardar Gajjan Singh ; Mr. Lumsden ; Rai Bahadur Chaudhri Lal Chand.*]

The Hon'ble Sardar Gajjan Singh :—

" YOUR HONOUR,—I beg leave now to move that the Bill as amended be passed. While making this motion, Sir, I beg to express my most hearty and cordial thanks to Your Honour's Government and to the various Hon'ble Members who have so kindly lent their support to the movement. I do not find words enough to thank Your Honour. I have not the least doubt, Sir, that the Bill when passed into law will have the most beneficial effects on the habits of the young boys who are to be the nation of to-morrow.

" We, Sir, have had a most interesting discussion to-day, and while thanking the Hon'ble Members and Your Honour's Government I earnestly hope that the Bill as amended be now passed."

The motion that the Bill as amended be passed was put and carried.

BUDGET, 1918-19.

The Hon'ble Mr. Lumsden :—

" YOUR HONOUR,—As I have explained in the Memorandum attached to the Budget for the year 1918-19, which is in the hands of Members, the only change made in the figures of the Revised Financial Statement is the addition of 2 lakhs under the head '45—Civil Works—in charge of Civil Officers—for grants to District Boards for the improvement of metalled roads.' This addition was rendered possible at the eleventh hour, thanks to the enhancement of estimated revenue under the heads Excise and Income Tax, and was made in pursuance of an undertaking to that effect given in connection with the resolution on the subject moved at the last meeting of Council by the Hon'ble Rai Bahadur Ram Sarn Das. In the circumstances it is not necessary to hold a special meeting for the presentation of the budget, and all I need do at the present stage is formally to announce this fact."

The Hon'ble Rai Bahadur Chaudhri Lal Chand :—

" YOUR HONOUR,—Before I address myself to a discussion of the Budget I desire to offer my heartfelt congratulations to Your Honour on the extension of Your Honour's term. The singular ability with which Your Honour has guided the administration of the Province during all these years of stress and anxiety and the eminent services which Your Honour has rendered to the Empire by not only maintaining law and order but by evoking an enthusiastic response to the call to arms, worthy of the military traditions of the Province, made an extension of Your Honour's term highly desirable, and I have no doubt that so long as the War lasts Your Honour will continue to be at the head of the administration of this Province and guide its fighting races on the path of winning fresh laurels and military renown in the service of their King and country.

" Your Honour, last year I congratulated the Hon'ble the Finance Member on the skill which he had displayed in the framing of the Budget, and I am glad that I am able to repeat the congratulation again this year. The Hon'ble Mr. Lumsden seems to have bestowed great care on the Budget statement which we are discussing to-day, and though no statement can be so perfect as to be immune from all criticism, yet, having regard to the fact that the Finance Member has to deal with the conflicting claims of so many Departments the statement as a whole is eminently satisfactory.

[*Rai Bahadur Chaudhri Lal Chand.*]

" Before I enter on a detailed criticism of the Budget I desire to be allowed to offer a few general observations and also to make a few suggestions for the kind consideration of the Government. In the first instance, I should like to draw the attention of the Government to a more or less invariable feature of our Budgets which has been the subject of constant criticism in the Indian Press, namely, the persistent underestimate of our income and, less frequently, the overestimate of our expenditure. I am quite alive to the grounds of prudence which prompt the Finance Member to estimate the receipts at a lower rather than at a higher figure, yet in view of the obstinacy with which these estimates have turned out to be inaccurate from year to year in the past the Finance Member should seriously consider the advisability of tempering his caution with a bit of optimism. The Finance Member need not always frame his Budget 'in fear and trembling.' The chief objection to the underestimating of revenue is that it prevents a liberal provision being made for the growing demands of education, sanitation, etc.

" Another constant feature of our Budgets is the utterly unequal distribution of Government grants as between urban and rural populations. The full extent of this proportion cannot be ascertained as the sums allotted for the benefit of rural and urban populations are not shown separately under each head in which they both happen to share a grant together. However, it is an undeniable fact that Municipal Boards manage to get for their drainage and water-works schemes a good deal more than District Boards do for improving the sanitation and water-supply of rural areas. I had to complain of this last year and I am sorry to say things have not improved since. I repeat the request I made last year that under every sub-head relating to grants made to local bodies the specific sums allotted to District and Municipal Boards may be shown separately in order to facilitate comparison.

" Thirdly in view of the importance of primary education the people naturally take increasing interest in the amount of money which the Government spends on the extension of primary education from year to year. Therefore I will suggest that under the head 'Education' primary education may be shown as separate sub-head. I made this suggestion last year also, and I hope the Government will feel no difficulty in accepting it.

" I should like to make just one more suggestion. The discussion of the Budget should precede and not follow its presentation in the Council. The merits of the change require hardly any explanation. Under the present rules the discussion is purely academic and barren of all practical results. The debate is unreal, and our speeches are practically meaningless. We know that the Budget has come before us in its final shape, and our suggestions, however reasonable, cannot be incorporated into it at this stage. A change in the present practice is, therefore, highly desirable. The principle which I advocate without claiming any originality has already been accepted in the Imperial Council, and I feel sure that the Punjab Government will have no hesitation in conforming its practice to this principle.

" Before I take up the various heads for criticism I congratulate the Government on its decision not to delay any longer the scheme to improve the pay and prospects of some of the classes of its low-paid servants. I also welcome heartily the provision made in the Budget of 1918-19 for bringing into existence the special agency for assessing income-tax. This agency will put an effective stop to a number of well-to-do persons being under-taxed or escaping the imposition of a tax altogether. The action of the Government in issuing a circular letter directing a close scrutiny into the service record of a retiring official before the full pension admissible under the rules is sanctioned is highly commendable. This will exercise an indirect check on corruption.

[*Rai Bahadur Chaudhri Lal Chand.*]

"I will now take up such of the heads of the Budget individually as call for any comment. On the revenue side I sincerely congratulate the Hon'ble the Finance Member on his good fortune in being able to present a prosperity Budget.

"The sums realised from sale of Government lands are very large, no doubt, and extremely tempting. But I am afraid, I cannot congratulate the Government on the policy of placing such large areas on the market year after year. We must constantly remember the claims of those gallant sons of India who are shedding their richest blood in the service of their King-Emperor on the battlefields of three continents. The amount of land reserved for distribution as rewards for loyal and distinguished services of Indian soldiers requires re-consideration. An area of 175,000 acres was reserved for this purpose. But the amount of this area was fixed at a time when neither the magnitude nor the duration of War was, perhaps, fully realised. Considering the magnificent services and continued sacrifices of our brethren in the army it will not be too much on my part to request the Government to make a very substantial increase in the amount of land set apart for rewarding the services of Indian soldiers. Similarly larger area of land requires also to be reserved for rewarding the services of those private gentlemen who have rendered notable service in promoting the cause of recruiting. I earnestly urge these two proposals for the serious consideration of the Government.

"With regard to the increasing income from Excise, I cannot help expressing some natural alarm at it; the Finance Member has advanced fairly satisfactory reasons to account for the increase, one among those reasons being the growing prosperity of the cultivating classes. However, we can hardly derive any consolation from this prosperity if it results in drunkenness.

"On the expenditure side there is a good deal to be said, both favourable and unfavourable. However, I propose to concentrate on a few points only. Under the head—'Education'—one cannot fail to be struck by the decrease shown by the revised figures as compared with the Budget figures of 1917-18 under most of the sub-heads. This is hardly creditable to the spending capacity of the Education Department, and I should very much like the Hon'ble Mr. Richey to infuse a spirit of liberality among the officers of his Department, and if need be send a few of them to the Public Works Department to learn the art of spending. A spirit of stinginess is to be deprecated nowhere more strongly than in the Education Department. It cannot be denied that there is infinite scope for expansion in this Department. In fact, we have always understood that the chief difficulty in the way of making primary education free and compulsory is the lack of funds. In the face of this it is hard to understand why we find considerable portions of the sums allotted to the department unspent at the end of the financial year. I earnestly hope that the department will not be so close-fisted in the coming year. I am delighted to see that the sums budgeted for 1918-19 show a decided and welcome increase over those of the year that has just closed. The most notable increase occurs under Grant-in-Aid, and I have no doubt that it will be fully utilised. I am equally delighted to find that a sum of Rs. 10,000 has been entered for providing special facilities for the education of the orphans of soldiers who have fallen in the war. But I feel that the sum provided is inadequate.

"Before I take leave of the subject of education I desire to congratulate the Government in the warmest manner I can on its decision to pass an enabling Act in favour of making primary education compulsory. I hope that Local Bodies will make a liberal use of the power conferred on them by this Act and will not hesitate to provide additional funds for the purpose by fresh taxation if necessary.

[*Rai Bahadur Chaudhri Lal Chand.*]

"Sanitation is another department which suffers from the incapacity of its officers in the matter of spending the moneys assigned to it. It is difficult to view with patience the huge unspent balances of the earmarked Imperial Grants for Sanitation. They amount to over a million. In a country where epidemics work havoc every year, where plague and malaria claim their victims by thousands every week, where thousands of precious lives are lost every month owing to diseases caused by the squalid surroundings in which the people have to pass their days, and where the annual death-roll is swelled by insanitary conditions of life obtaining all round, the requirements of sanitation should receive the most vigilant attention from the officers of the department. It is no answer to the criticism which I have ventured to offer that the people have themselves to blame, and that if the people put forward any scheme and applied to the Government for monetary help they might count on the ungrudging assistance of the Government. It is idle to expect the people who are steeped in ignorance to take the initiative themselves. It is the clear duty of the officers of the Sanitary Department to educate the masses in the principles of elementary sanitation and they cannot shift the responsibility on to the shoulders of the people. How far the Sanitary Department has discharged this duty is apparent from the accumulation of the unspent balances which cannot be denounced too strongly.

"When we pass on from Sanitation to Agriculture we meet an equally uncheering view. The assignment of Rs. 10,70,000 from the profits of the wheat scheme remains practically untouched for the purposes for which it was set apart. Agriculture is the chief industry of this country and serves as a source of livelihood for nearly 80 per cent. of the population. The possibilities of the development of agriculture are immense and scope of its expansion along improved lines is unlimited. The failure of the department to spend any substantial part of this sum is under the circumstances not quite intelligible. Next year it is proposed to spend three lakhs out of this sum on the purchase of seed for resale at harvest time. The seed purchased will, in all probability, be re-sold at a profit. One may fairly despair of the logic which classifies this as expenditure in substance. The Hon'ble Mr. Townsend invited the non-official members to Lyallpur the other day, and while thanking him for giving us this opportunity I congratulate the department for the useful work that is being done there. But I am afraid this has only strengthened our desire to have more such colleges in our Province. It is some consolation, however, to find that a little more has been spent on co-operative credit than was budgeted for 1917-18, and that the sum budgeted for 1918-19 is better by Rs. 8,000 than the sum spent last year. But I have a distinct feeling that the sum will not suffice for the growing needs of the department, and the Finance Member would have done well if he had made a more liberal provision for a department the beneficent activities of which are calculated to do immeasurable good to a class which deserves well of the Government. Last year I asked for a Provincial Bank and I am glad our energetic Registrar, Mr. Calvert, has nearly completed his scheme for one and I sincerely thank the Government for this kind step.

"Now I have done with my criticism of the Budget. But before I finish I desire to touch on a few more topics. The most important of these topics is the substantial help which our Province has been able to render to the Empire in the course of this War. The magnitude of the help which it has been our privilege to render should fill the heart of every Punjabi with pardonable pride. The Punjab, though not so rich as some other Provinces, contributed more than its share to the War Loan last year, and will be found ready to bear its responsibilities in this line willingly and manfully when the call is made again on its generosity this year. The total amount of our contributions last year gave us the third place in the order of merit. We hope we shall be able

[*Rai Bahadur Chaudhri Lal Chand.*]

to put forth greater efforts and improve our position in the next War Loan. But even supposing that we do not succeed in our attempt to win a higher place we are head and shoulders above the rest of India in our services to the Empire. Money is, no doubt, termed the sinews of war, but after all money plays only a subsidiary part in a war. Moreover, money contributed to the War Loan is no gift but a profitable investment and whatever sacrifice is involved in investing one's money at 5½ per cent. pales into insignificance before the supreme sacrifice of life. In addition to sacrifice in money the Punjab has made the sacrifice of life and has made it unstintedly. It is no little honour to a Province with less than 1/16th of the population of India to have furnished over 50 per cent. of the total number of recruits enlisted in this country since the war began. The manhood of the Punjab has poured out its richest blood in the defence of the Empire, and is animated by a spirit of devotion which shirks no sacrifice and recks no danger. Your Honour can claim a substantial share in the arousing of this spirit, and I heartily congratulate Your Honour on the dauntless spirit aroused and the results that have flowed from it.

"Within the Province itself I am glad to say that the Division which I have the honour to represent has done very well and is second only to Rawalpindi. If we consider recruiting services by districts I am sincerely proud to feel that my native district Rohitak tops the Provincial List in 1917, with 6,675 recruits to its credit. If we consider the results tribally the tribe to which I feel proud to belong will be found to have contributed a quota which will compare favourably with that of any other war-like tribe in this country. The spirit which has animated the Jats, both Sikh and Hindu, has been admirable. I cannot do better in this respect than quote the words used to describe this spirit in a review recently issued by Your Honour's Government. These words read as follows:—

"There is nothing more remarkable in the annals of Indian recruiting than the sustained ardour and enthusiasm which have been displayed by the great Jat clans of the South-East Punjab"

"These words relate to Hindu Jats. Sikh Jats have shown an equally praiseworthy zeal. The figures which Your Honour quoted at the Amritsar Darbar on the 16th instant disclosed what an overwhelming percentage of Sikh recruits came from the ranks of the Jat community. The heroic deeds which the Sikh Jats have performed in action will be borne out by the fact that out of the sixty-three decorations which have fallen to the lot of the Amritsar District in this War no less than sixty had been won by Jats.

"The Jats have been equally free with the contents of their purse in contributing to the War Loan, and if statistics were prepared I am sure they would be found to have subscribed more to the War Loan than any other rural tribe.

"In view of the sacrifices, both in men and in money, which the Jats have made in this War I was not a little disappointed to find from the announcement made by Your Honour at the Amritsar Darbar that the Jats had not come in for anything like the share to which they are entitled in the honorary commissioned ranks which had been assigned to this province. There was only one Sikh Jat and one had to look in vain for a Hindu Jat.

"There is just one thing more to which I must make a reference. The Jats have a very inadequate share in the public services of the province though, apart from the loyal services which they have rendered in the past and are rendering at present, they contribute a most substantial share of the revenue which fills the coffers of the Government. To begin with I was under the impression that my Sikh brethren were better off in respect of holding Govern-

[*Rai Bahadur Chaudhri Lal Chand ; Khan Bahadur Khwajah
Yusaf Shah*]

ment appointments. But my questions in this Council have disclosed a state of things which shows plainly enough that while sacrifices have been made by Jat Sikhs the benefit has gone to others. With regard to Hindu Jats the Government was pleased to issue a circular letter in 1915 urging a more liberal employment of them. But the letter has, I regret to have to say, remained more or less a dead letter in most of the departments. Thus the old state of things continues and the members of the classes which have a distinct partiality for a comfortable seat in an office chair and an insuperable aversion to a seat in the saddle, whose young men will swoon at the sight of blood, and be frightened out of their wits at the sound of the gun, enjoy undisturbed monopoly of all civil employments. On the contrary, the young men of the classes which have borne the brunt of the battle on a hundred stricken fields and have shed their blood to maintain the might and glory of the Empire have their applications returned or rejected on some one ground or other.

"I will say no more on the subject. The Government has been pleased to appoint a committee of officials and non-officials to thrash out the whole question. I sincerely thank the Government for the appointment of this committee, and I hope that the committee will be able to suggest some effective remedy against the evil of which I have been complaining for the last two years in the name of my zamindar brethren.

"Before I close I desire to say just a few words on a matter of grave importance. A critical situation has arisen on the Western front, and though the matchless gallantry and heroic sacrifices of the British forces have held in check the onward rush of the German tide so far, the situation continues to be full of keen anxiety and grave concern. In view of this situation the Premier has addressed the Princes and peoples of India for redoubled efforts in the cause of the Empire and the Viceroy has sent a message of hope in reply in the name of India. At this grave crisis in the history of the Empire I assure Your Honour and through Your Honour the Viceroy and the Premier, in the name of my brethren, that the Jat community will flinch from no sacrifice, however great, and will shrink from no duty, however onerous, which the honour and past traditions of the community render necessary. I may give Your Honour the further assurance that so long as my community possesses a single man able to wield the sword or shoulder the rifle so long will Jats fight side by side with their British comrades in defence of those principles of right and liberty which the German menace seeks to destroy."

The Hon'ble Khan Bahadur Khwajah Yusaf Shah :—

"YOUR HONOUR,—As Your Honour is aware, I come to the Council Chamber to-day after months of continued illness. Although I am much better yet my present state of health will not allow me to go exhaustively into the details of the Budget, I will therefore content myself on the present occasion just with one or two observations. I wish first of all to congratulate the Hon'ble Finance Member on the very satisfactory Budget he has once again submitted to the Council in the midst of the great and gigantic war that is still with us.

"My second and last observation will be that—

"Ever since the beginning of this war it is only fair to say that the Punjab, under Your Honour's able guidance has all along done more than its level best to help the Empire in its hour of trial. And I feel sure, that now that the Premier has once again appealed to the Indian Loyalty and Patriotism, the Punjab, true to its traditions, will lead the way. I have no doubt that by postponing for the time being all demands for constitutional reforms and by the concentration of

[*Khan Bahadur Khwajah Yusaf Shah.*]

our whole energy at the present crisis on the one object of winning the war as advised by His Excellency the Viceroy, the Punjab will give one more proof of its devotion to the great principles of freedom and righteousness for which the British Empire stands. I would appeal to the famous martial races and other men of the Punjab to rise as one man in support of their King and Country. Ours is a just and good cause, it has the sympathy and support of all right-minded men and with Your Honour's permission I would quote the very words in Your Honour's speech at the Ferozepore Darbar 'دردان خود را خداوند یاری کند' (God helps those who help themselves). I have every confidence that the war will terminate in conclusive victory for the British and the allied arms.

ADJOURNMENT.

The Council adjourned to Thursday, the 25th April 1918, at 10 A.M.

LAHORE :

The 1st May 1918.

S. W. GRACEY,

Secretary, Legislative Council.

APPENDIX A.

(SEE ANSWER TO QUESTION 3.)

1911-12.

Water-supply.

<i>Name of work.</i>	<i>Expenditure.</i>
	Rs.
Constructing dam in Nammal Gorge at Lower Sulphur Spring in the Shahpur Division	64,647
Temporary water-supply, Tandlianwala	16,190
Extension of water-supply, Jaranwala	28,217
Providing temporary water-supply, Jaranwala	3
Extension of water-supply to new Civil Station, Dharmasala	332
Combining Municipal and Cantonment water-supply, Dharmasala	6,487
Extension to temporary water-supply, Chorutta	53,112
Constructing temporary water-supply, Chorutta	12,777
Grant-in-aid to Simla Municipality	1,02,250
Minor works	14,960
Total	2,98,925
Repairs	5,721
Total water-supply	3,04,646
Drainage scheme, Jaranwala	58,543
Minor works	2,575
Total	61,118
Repairs	Nil.
Total Sewage and Drainage	61,118
Grand Total	3,65,764

1912-13.
Water-supply.
Name of work.

	Expenditure Rs.
1. Extension of the water-supply to the new Civil Station, Dharmsala ...	1,820
2. Combined water-supply for Cantonment and Civil Station of Upper Dharmsala ...	-1,842
3. Grant-in-aid to Simla Municipality ...	1,01,000
4. Extension of the water supply at Jaranwala ...	20,208
5. Temporary water supply, Tandlianwala ...	688
6. Water-supply scheme, Sialkot ...	1,50,000
7. Grant-in-aid to Ambala Municipality ...	30,000
8. Extension to temporary water-supply, Chorutta ...	-1,578
9. Irrigation water-supply and pumping installation, Chorutta ...	15,488
10. Drinking water-supply, Chorutta ...	45,522
11. Constructing a temporary water-supply, Chorutta ...	241
Minor Works ...	5,964
Total Original Works ...	3,16,511
Total Repairs ...	30,638
Grand Total Water Supply ...	3,47,149

1912-13.

Sewage and Drainage.

	Rs.
Total water-supply ...	3,47,149
1. Drainage Scheme, Jaranwala ...	2,629
2. Drainage Scheme including flushing arrangement, Chubarkana ...	16,255
3. Drainage Scheme, Tandlianwala ...	-291
4. Drainage Scheme at Palwal in Gurgaon District ...	10,000
Minor Works ...	180
Total Sewage and Drainage Original Works ...	28,773
repairs ...	Nil
Grand total Sewage and Drainage ...	28,773

Total Sanitation

... 3,75,922

1913-14.

Water-supply.

	Expenditure Rs.
1. Extension of the water-supply to the Civil Station, Dharmsala ...	1,715
2. Combined water-supply for Cantonment and Civil Station, Upper Dharmsala ...	-9,587
3. Grant-in-aid for Cantonment and Civil Station, Upper Dharm-sala ...	11,896
4. Isa Khel water-supply scheme ...	5,000
5. Extension of water-supply, Jaranwala ...	5,136
6. Extension to water-supply, Chak Jhumra ...	5,477
7. Erecting 20-H. P. boiler at Kausalya River ...	-891
8. Grant-in-aid to Simla Municipality ...	3,04,000
9. Irrigation water-supply and pumping installation, Chorutta ...	-16
10. Drinking water-supply, Chorutta ...	1,829
Minor Works ...	-2,548
Total ...	3,22,711
Repairs ...	3,594
Total water-supply ...	3,26,305

Sewage and Drainage.

<i>Name of work</i>	<i>Expenditure.</i>
	Rs.
1. Drainage scheme including flushing arrangement, Chubarkana	5,800
2. Drainage scheme, Jaranwala	416
3. Ditto, Tandlianwala	55,109
4. Ditto, Palwal	4,000
Minor works	889
Total	65,714
Repairs	Nil
Total Sewage and Drainage	3,92,019
1. Filling of Lal Diggi Tank, Hansi	5,260
2. Certain sanitary works, Hoshiarpur	9,000
3. Intra-mural Drainage Scheme (Ferozepore)	12,000
4. Northern storm water Outfall Drain, Lahore... ..	16,359
5. Lahore Sewage Scheme	9,00,000
6. Extension of Amritsar water-supply	11,000
7. Removal of Conservancy Train Line, Amritsar	17,000
8. Combined slaughter-house, Amritsar	1,589
9. Majitha Drainage Scheme	12,064
10. Gurdaspur Drainage Scheme	2,540
11. Batala Drainage Scheme	6,000
12. Pathankot Drainage Scheme	10,000
13. Murree Drainage Scheme	9,000
14. Lala Musa Drainage Scheme	13,400
15. Drainage Scheme, Kot Fateh Din Khan, etc. (Kasur)	8,749
16. Drain near Sharab Khans (Hazro)	1,402
17. Purchase of a steam road watering cart, &c., Multan	14,286
18. Shujahabad Drainage Scheme	7,700
19. Muzaffargarh Drainage Scheme	4,500
20. Drainage of Gaur Nallah (Jhang)	14,884
21. Departmental charges on Chiniot Road Drainage Scheme	8,048
22. Gojra water-supply extension	20,636
23. Chiniot Road water-supply	1,212
Total	15,05,648
Withdrawal of grant made to the Chiniot Road Notified Area	-5,477
Grand Total	15,00,171

APPENDIX B.

(SEE ANSWER TO QUESTION 18.)

List of newspapers subscribed for by Government Offices.

CIVIL SECRETARIAT.

1. 'Pioneer.'
2. 'Civil & Military Gazette.'
3. 'Daily Times, London.'
4. 'Servant of India.'
5. 'Tribune'
6. 'Punjabee' (also supplied to all Commissioners and Deputy Commissioners for three months.)
7. 'Observer.'

PRESS BRANCH.

1. 'Tribune.'
2. 'Punjabee.'
3. 'Observer.'
4. 'New India' (Madras).
5. 'Islamia Mail' (Bombay).
6. 'Fauji Akhbar' (Simla): 200 copies supplied to retired Indian Military Officers.
7. Kh. Kamal-ud-din's 'Islamic Review,' London.

INSPECTOR-GENERAL OF CIVIL HOSPITALS.

1. 'Civil & Military Gazette.'
2. 'Pioneer.'
3. 'Tribune.'

DEPUTY COMMISSIONER, CRIMINAL TRIBES.

Nil.

A copy of the 'Pictorial Jangi Akhbar' is, however, purchased for the schools in some of the Industrial Settlements.

FINANCIAL COMMISSIONERS.

1. 'Civil & Military Gazette.'
2. 'Tribune.'
3. 'Paisa Akhbar.'
4. 'Watan.'
5. 'Rajput Gazette.'

LEGAL REMEMBRANCER.

1. 'Pioneer.'
2. 'Civil & Military Gazette.'
3. 'Tribune.'

PUBLIC WORKS DEPARTMENT, IRRIGATION BRANCH.

1. 'Civil & Military Gazette.'

SUPERINTENDENT, GOVERNMENT PRINTING.

Two American and 2 English Printing Trade Journals:

INSPECTOR-GENERAL OF REGISTRATION AND DIRECTOR OF LAND RECORDS.

Nil.

INSPECTOR-GENERAL, PRISONS.

Nil.

CONSERVATOR OF FORESTS, EASTERN CIRCLE.

Nil.

Only certain English and French periodicals. List furnished.

CHIEF COURT.

1. 'Civil & Military Gazette.'
2. 'Pioneer.'
3. 'Punjabee'

POLITICAL AGENT, PHULKIAN STATES.

Nil.

DIRECTOR OF PUBLIC INSTRUCTION.

1. 'The Tribune.'
2. 'Punjabee.'
3. 'Observer.'
4. 'Khalsa Advocate.'
5. 'Paisa Akhbar.'
6. 'Punjab Educational Journal.'
7. 'Indian Education'
8. 'Rabunna-i-Talim.'
9. 'Mysore University Magazine.'
10. 'Indian Review.'
11. 'East and West.'

DEPUTY INSPECTOR-GENERAL OF POLICE, CRIMINAL INVESTIGATION DEPARTMENT.

1. 'Civil and Military Gazette.'
2. 'Pioneer.'
3. 'Punjabee.'
4. 'Tribune.'
5. 'Satyani.'
6. 'Jangi Akhbar.'

DEPUTY INSPECTOR-GENERAL OF POLICE, CENTRAL RANGE.

1. 'Tribune.'

PUBLIC WORKS DEPARTMENT, BUILDINGS, AND ROADS BRANCH.

1. 'Builder.'
2. 'Architectural Review.'
3. 'Architects and Builders' Journal.'
4. 'Specifications for 1913.'
5. 'Engineering News Record.'
6. 'Concrete and Constructional Engineering.'
7. 'Engineering.'
8. 'Indian Engineering.'
9. 'Indian and Eastern Engineering.'
10. 'Indian Industries and Power.'
11. 'Pioneer.'
12. 'Civil & Military Gazette.'

WARDEN OF FISHERIES.

1. 'Fishing Gazette,' London.

PRIVATE SECRETARY TO LIEUTENANT-GOVERNOR, PUNJAB.

DIRECTOR OF AGRICULTURE AND INDUSTRIES.

1. 'Pioneer.'
2. 'Civil & Military Gazette.'
3. 'Times of India.'
4. 'Empress.'
5. 'Indian Antiquary.'
6. 'Tribune.'
7. 'Punjabee.'
8. 'Observer.'
9. 'Khalsa Advocate.'
10. 'Islamia Mail.'
11. 'Hindu Patriot.'
12. 'Indian Review.'
13. 'Al Islam.'

1. 'Times of India,' Bombay.
2. 'Times,' London.
3. 'Manchester Guardian.'
4. 'Capital,' Calcutta.

REGISTRAR, CO-OPERATIVE SOCIETIES,
PUNJAB.

Nil.

CURATOR, CENTRAL MUSEUM.

Nil.

SANITARY COMMISSIONER, PUNJAB.

Nil.

APPENDIX C.

(SEE ANSWER TO QUESTION No. 52.)

Statement showing total amounts subscribed in Ludhiana District by Hindus, Muhammadans and Sikhs, respectively, up to end of January 1918.

Serial No.	Name of Fund.	Sikhs	Muhammadans	Hindus	REMARKS.
		(207,042.)	(176,043.)	(131,370.)	
		Rs. A. P.	Rs. A. P.	Rs. A. P.	
1	Indian Imperial Relief Fund ...	58,432 10 11	6,359 8 6	16,567 5 8	
2	Aeroplane Fund ...	28,025 14 5	2,215 9 3	7,176 0 6	
3	Our Day ...	5,078 0 0	1,458 4 0	2,206 9 0	

Subscriptions to War Loan including 5-years' Postal Cash Certificates.

	Rs.
Sikhs ...	9,72,149
Muhammadans ...	2,97,393
Hindus ...	9,50,679

APPENDIX D.

(PAPERS LAID ON THE TABLE.)

Question.

Answer.

By the Hon'ble Chaudhri Lal Chand.

By the Hon'ble Mr. D. W. Aikman,
C.I.E.

"123. What arrangements, if any, does the Government propose to make for the improvement of drainage in the area affected by *Sahbi Nadi* in Rohtak and Gurgaon Districts?"

"In continuation of my reply to the question No 123 put by the Hon'ble Rai Bahadur Chaudhri Lal Chand at the meeting of the Punjab Legislative Council, held on the 6th November 1917, regarding the drainage of the area affected by the Sahbi Nadi in the Rohtak and Gurgaon Districts, I would state that the question of drainage, in the areas referred to, is under investigation by the local bodies concerned. The Local Government has not yet been approached by the local authorities for any assistance in the matter, but will be prepared to consider any application when the results of the investigations of the local bodies are communicated to it."

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 Government of India Act, 1915.

THE Council met at Government House, Lahore, at 10 A.M., on Thursday, the 25th April 1918.

PRESENT :

His Honour Sir MICHAEL FRANCIS O'DWYER, G.O.I.E., K.C.S.I., I.C.S.,
Lieutenant-Governor, *Presiding.*

The Hon'ble Mr. JOHN PERRONET THOMPSON, I.C.S.

The Hon'ble Mr. JAMES ALEXANDER RICHEY.

The Hon'ble Khan Bahadur Khwaja YUSAF SHAH.

The Hon'ble Mr. HERBERT JOHN MAYNARD, C.S.I., I.C.S.

The Hon'ble Mr. OSWALD FARQUHAR LUMSDEN, I.C.S.

The Hon'ble Sardar Bahadur Sardar GAJJAN SINGH.

The Hon'ble Rao Bahadur Chaudhri LAL CHAND.

The Hon'ble Khan Bahadur Sayad MEHDI SHAH.

The Hon'ble Pandit JAWAHAR LAL, BHARGAVA.

The Hon'ble Rai Bahadur RAM SARAN DAS, C.I.E.

The Hon'ble Rai Bahadur Pandit SHEO NARAIN.

The Hon'ble Mr. DAVID WANN AIKMAN.

THE Hon'ble Rai Bahadur BAKHSHI SOHAN LAL.

THE Hon'ble Rai Bahadur Raizada BHAGAT RAM.

The Hon'ble Sayad MAKHDUM RAJAN SHAH.

The Hon'ble Mr. CREWE ARMAND HAMILTON TOWNSEND, I.C.S.

The Hon'ble Mr. CHARLES JOSEPH HALLIFAX, I.C.S.

The Hon'ble Khan Sahib Mirza MUHAMMAD IKRAM ULLAH KHAN.

The Hon'ble Diwan Bahadur Diwan DAULAT RAI.

The Hon'ble Mr. EDWIN WOODALL PARKER.

The Hon'ble Khan Bahadur Mian FAZL-I-HUSSAIN.

The Hon'ble Mr. HENRY DUFFIELD CRAIK, I.C.S.

The Hon'ble Khan Bahadur Malik MUHAMMAD AMIN KHAN.

The Hon'ble Colonel HAROLD HENDLEY, M.D., I.M.S.

The Hon'ble Mr. STEPHEN WILLIAM GRACEY, I.C.S.

PUNJAB ADULTERATION OF FOOD BILL.

The Hon'ble Mr. Lumsden :—

"YOUR HONOUR, —I beg to move for leave to introduce the Bill to make provision in the Punjab for the sale of food in a pure and genuine condition and to prevent its adulteration. The word 'Adulteration' has been defined as follows: the act of debasing a commercial commodity with the object of passing it off as or under the name of a pure or genuine commodity for illegitimate

[Mr. Lumsden.]

profit or the substitution of an inferior article for a superior one to the detriment of the purchaser. We may accept this as a reasonable definition of the word 'Adulteration.' The practice is of ancient date and we find references to it in the classics. Archimedes detected by weight the base metal that had been introduced into the crown of Hiero and Pliny mentions the practice of mixing white clay with flour. In England the first official notice was taken in 1203 when a royal proclamation was issued warning the various tradesmen against the practice of adulterating commodities. The proclamation does not appear to have been very successful and in the same century the first statute appears in the book—a statute will be somewhat alarming name: Pillory Tumbrel. In those days the authorities were more at liberty to give reins to their imagination in the matter of preventing the adulteration of foodstuffs and they often endeavoured to make the punishment suit the crime. Under this statute a baker, for instance, who adulterated his loaves was on the first offence paraded through the dirtiest streets in the town with the defective loaves hung round his neck. On the second offence wearing the same necklace he paid a visit to the Pillory. If he repeated the offence a third time his whole bakery was broken up and he himself was ejected from the town. On the Continent we find that similar measures were adopted. In one case, for instance, a tavern keeper and his wife who had been supplying liquor not altogether what it purported to be were fastened up in the offending cask and were then exposed in the Pillory. In another case a wine-seller who had been supplying sophisticated wine was forced to drink six quarts of liquor in question. In this case the offence appears to have been well established because the wine-seller was unable to serve out his sentence and died from the effects. I must leave it to my Hon'ble friends who support the Temperance Movement to point the moral from this sad story as I am unable myself to introduce any picturesque details of this kind in the Bill that I am hoping to introduce. But I must say—and I hope my Hon'ble friends will excuse me for the slight digression—that my Hon'ble friend on my left lost a golden opportunity yesterday of introducing some colour into our legislative system. Just think for instance of the moral effect of a procession in a village *abadi*. The procession following the precedent I have quoted would pass through the dirtiest *gullies*, headed possibly by a village band having as its central figure the local notable proudly clutching his captive an urchin, clad in a half-consumed cigarette. Or what better preventive of further offence could be thought of than that of a solemn meeting in the *baithak*, preferably before dinner, at which all the elders and urchins of the village would be assembled and at which the wretched delinquent would be presented with one, or if necessary two, specimens of the very largest and the very strongest Burmese cigars and forced in the presence of the multitude to consume them to the bitter end. I am perfectly certain remembering distant episodes of early days that a method of that kind would be far more effective than anything that is proposed in the Bill. In any case I present the suggestion to my Hon'ble friend and I trust that my digression will be excused.

"If the penalties were, as I have said, picturesque the methods of testing the adulteration were similarly somewhat crude. For instance, an ale tester went about his business in a queer way—I must apologise for these frequent bibulous references, but the history of adulteration is full of them—the ale tester clad in leathern breeches poured out on a wooden bench a certain quantity of ale when a convenient size pool had been formed he sat thereon. After allowing a sufficient time for evaporation he proceeded to rise up. If he rose without difficulty the ale was all right. On the other hand if he found himself adhering to the wooden bench it was proof positive that the ale had been adulterated with sugar and the offender was forthwith inconsequently punished.

[*Mr. Lumsden.*]

"As time went on, however, these rough and ready methods were replaced by something more scientific and in 1872 we have the first Act which endeavoured to deal with the question of adulteration on a scientific basis. This Act prescribed an expert agency but did not require compulsory analysis. The result was that in three years' time the Act had to be repealed and a new Act passed, the Act of 1875 which is still the basis of the whole system of legislation on the subject. This Act made analysis compulsory. It has, however, had rather a chequered career and twenty years after it had passed survived the report of a Select Committee constituted to remedy its defects. The history of adulteration since 1875 has been a constant struggle between this Act as gradually amended and the offender, and in many cases the law has not yet succeeded in getting the better of the offender.

"In India we have no record of the early history of adulteration. After the English Act of 1875 was passed the question seems to have been considered by the authorities here and in 1886 a reference was made by the Government of India enquiring whether there was any need for action in the way of similar legislation. At that time adulteration had not reached the pitch which it has now arrived at, nor was the same skill displayed in the process. The general feeling at that time was that no necessity had been made out for legislation beyond what was contained in the Indian Penal Code and the various local Acts. In 1911 at the first meeting of the All-India Sanitary Conference the question was again taken up and that Conference held that the present provisions of the law were inadequate; that adulteration was very greatly on the increase; and that some measures should be devised without delay to check the habit. Following this finding of the Conference the Government of India made a reference in 1912 to all Local Governments with a view to ascertaining their views. This Government after consulting a large number of officers and others came to the conclusion that though undoubtedly adulteration was on the increase and that the present provisions of law were inadequate it would be better to wait a little before deciding on definite action so as to see the effects of the newly passed Act in the United Provinces. The Government of India after receiving replies to its reference of 1912 decided in view of the varied local circumstances that it would not be desirable to have an All-India Act for the purpose and that local Governments should work out their own salvation in the matter by legislation of their own. We made inquiries from the United Provinces as to the working of their Act and we have been told that the Act is working satisfactorily on the whole, though it has not been able yet to make a very marked impression. It has been introduced in 13 of the larger towns and various commodities have been included in it such as butter, ghee, milk, edible oils, cereal and leguminous flours. The result of our inquiries both as regards the working of the Act and as regards the necessity for further action in the matter has led to the framing of this measure which I am asking leave to introduce.

"Two questions naturally arise in this connection. The first is—is adulteration really rampant? Well, I think it is hardly necessary to argue this question at this stage, because I am sure all of you have had experiences which show that adulteration is not only very common but extremely barefaced. I do not wish to harrow the feelings of this Council by quoting any large number of instances, though I have a large list of the forms of adulteration which are ordinarily in use in the Punjab. It would be a mere waste of time to detail them all and I would merely mention two commodities. The first of these is ghee. I do not think it is necessary to say much about this because the down-country scandals as regards this commodity are fresh in the minds of us all. I think my Hon'ble friend Col. Hendley will bear me out when I say that some of the stuff that passes off as ghee in this Province does not even contain any percentage whatever of the article in

[*Mr. Lumsden.*]

question. It is simply a compound of various vegetable oils and animal fats. As regards milk, we have some definite statistics to go on. Elaborate experiments both at Simla and elsewhere have been carried out to see how Indian milk compared with English milk, judged by the standard laid down for the latter. It was found that in milk taken direct from the cow in the presence of the analyst the average was rather above the English standard. Thereafter measures were taken to obtain samples of milk on its way to the consumer. Out of 45 successive samples thus taken one was normal, in the other 44 samples adulteration in the shape of water amounted on the average to 26 per cent., the actual percentages varying from 10 to 65. That is to say, the consumer was paying for milk which was only three-fourths or less of what he was paying for. It may be said that this is an example of the Persian proverb regarding lamp and the greatest darkness. But this would hardly be correct as in a recent inquiry as regards the causes of ill-health in Murree it was suggested that at least part of the ill-health was due to the fact that the milk sellers were using dirty water to adulterate the milk. Examples of milk and ghee are two commodities in ordinary and general use and I need hardly point out that in the case of milk at any rate the question of a pure supply has the very greatest bearing upon a subject that is of the utmost importance, namely, infantile mortality. If we cannot ensure a pure supply of milk obviously we cannot expect to tackle the question of infantile mortality in an essential point. There are various other forms of adulteration such as the use of deleterious colouring matters in the case of sweets, teas, and similar articles. But without going into further details I think I may count upon the general sense of the Council that this point does not require further elaboration.

“The second question which arises is whether the present legislation is not adequate to meet the case? The present legislation in this Province is partly contained in a couple of sections in the Indian Penal Code. Those sections only cover a very small class of cases because before they can be applied the food must have been rendered noxious. Now as will appear from the definition I have quoted adulteration essentially has nothing to do with the rendering of food noxious though incidentally it may have that result. Adulteration is really a form of cheating. This Bill is intended to provide for cases that are not covered by the Indian Penal Code. For instance, cases such as the watering of milk would not necessarily make the offender liable to a conviction under the Indian Penal Code. In addition to the Indian Penal Code sections we have certain provisions in the Punjab Municipal Act. One of these section 209 of Act III of 1911 only applies to food which has become unfit for human use and it has really nothing to do with adulteration. The other which is directly applicable to the question at issue is section 150. That section reproduces section 6 of the English Act, but it is practically a dead letter because it does not make any provision for bringing home the guilt to the offender, nor does it prescribe analysis and the whole recent history of adulteration shows that without compulsory analysis no legislation is likely to be of much avail. Another point in connection with the Municipal Act is this that it applies only to municipal areas and therefore does not touch the large bazaars outside municipal areas or fairs, and it is understood that very often fairs provide a useful opportunity of getting rid of bad stock which the urban population decline to purchase the people at such gatherings having little choice in the matter and being thus compelled to take whatever is offered. Therefore, I may safely answer this question also in favour of the introduction of this Bill.

“As regards the Bill itself I do not think I need say much. The Statement of Objects and Reasons attached to the Bill explains the provisions

[*Mr. Lumsden.*]

pretty fully. As regards section 1, I may merely point out that we have omitted all reference to drugs. In the United Provinces Act drugs have been included and they also find a place in the English Act. We have deliberately omitted drugs from our Bill because there does not appear to be in this Province any necessity or any public desire for legislation as regards drugs. In the second place the provisions of the Indian Penal Code as regards drugs are very much more comprehensive than the corresponding sections regarding food. As regards clause (2) I would call attention to the fact that while the Act applies to the whole of the Punjab the provisions can only be gradually imposed by notification in the specified areas. Under clause 3) we may extend the Bill to one commodity or more, for instance, milk, ghee or butter may be brought within its purview without applying the Act to other articles. As regards section 2, the definition of food has been taken from the English Act as amended up to date and the definition of local authorities comes from the United Provinces Act. Section 3 is an important section. It explains what adulteration is and prescribes the penalties for the offence. The provisions of this section are of course supplementary to the provisions of the Indian Penal Code. The penalties are, in my opinion, somewhat inadequate, but they have been adopted in the various similar Acts passed or Bill introduced in other provinces, and although we would have preferred the punishment prescribed by the Indian Penal Code for similar offences we felt bound to accept the view that in a matter like this uniformity is desirable. Section 4 gives the exceptions. The exceptions given there represent the very latest views of the English authorities. Sections 5 and 6 deal with warranty and explain under what circumstances warranty can operate. We have had to introduce these sections in order to prevent collusion between the vendor and the manufacturer. The provisions are very simple, and the manufacturer is not likely to give a false warranty to the vendor when he knows that he renders himself liable to prosecution. Then Section 7 deals with presumption. While section 8 is of an ordinary character. Sections 9 to 13 deal with the subject of analysis. That is a very important subject and it introduces something quite new into the legislation on the subject of adulteration in this Province. At this stage I need only explain that we have prescribed a division into three parts. That is because one part will go to the analyst and one part will be sealed and fastened up and given to the seller or his agent while the third part duly sealed and fastened will be available for purposes of a separate reference to an independent analyst supposing the result of the original analysis is challenged. If we had only two parts this separate reference would not be possible and in fixing a division into three we are following English practice. Section 13 deals with fees. The United Provinces scale runs from Rs. 10 to 30. This, however, is a mere matter of detail to be settled later on. Then section 14 provides for the grant of a certificate of analysis which will be in evidence in the same way as the Chemical Examiner's reports are relevant in criminal cases. Sections 5 and 16 deal with the question of standard. The only commodities of which we have at present fixed any standard are butter and ghee, because they lend themselves to rough and ready definition, but it may be possible later to elaborate the standard. For our present purposes it is sufficient to secure that butter and ghee shall be what they are generally understood to be. It may not be possible with this definition to prevent a certain amount of adulteration in the way of watering the milk but it will form a more or less efficient safeguard against the worst kinds of abuses at present prevalent. Then section 16 provides for the introduction of standards in respect of other commodities. The question of standards is an extremely complicated and technical matter; definitions can only be introduced very gradually after careful and exhaustive examination. Section 17 is merely the ordinary enabling clause of the Bill. In section 18 we have prescribed that cases under this Act shall ordinarily be tried by a Magistrate not

[*Mr. Lumsden ; Khan Sahib Mirza Muhammad Ikram Ullah Khan ; Sardar Bahadur Sardar Gajjan Singh ; Khwaja Yusuf Shah.*]

lower than a Magistrate of the 2nd class while reserving power to confer on 3rd class Magistrates the necessary qualifications. This is the whole of the Bill and I feel sure that whatever changes in detail may eventually be made the introduction of this Bill will be welcomed by this Council in particular and the community in general. We are all consumers and as consumers we are anxious not only to get food which is not deleterious but also that when we buy certain things to be assured that we are getting what we actually pay for. I am afraid that it must be admitted that the introduction of this Bill is a sign of progress, but even progress has its drawbacks and we must regard the necessity for the introduction of such a Bill as one of these drawbacks. With these few remarks I beg to ask for leave to introduce the Bill "

The Hon'ble Khan Sahib Mirza Muhammad Ikram Ullah Khan :—

"YOUR HONOUR,—I give my full support to the Bill, which in my opinion has been long overdue. It is high time that the measure should be adopted without any further delay.

"The most important of the food stuffs on which depends the health of millions of the people are milk and ghee and unfortunately these are the two articles mostly adulterated and rendered injurious by the unscrupulous persons, who for the sake of their own gain or profit are committing the heinous crime of undermining the health of the very people who pay them. There has been a far and wide cry against the impure milk sold in the Indian bazar and now the complaint against ghee has gone up to the highest pitch. The more it is getting dearer the greater is the adulteration going on. You may be able to obtain some pure ghee in small quantities from villages, but you can rarely get unadulterated ghee from the bazar of any town. Every one knows that only those, who have milch cattle can enjoy the blessings of ghee and milk. The pity is that notwithstanding the exorbitantly high prices prevailing in these days we are deprived of the use of this wholesome food, on which our very life depends. I have personal knowledge of large quantities of coconut oil being imported from Sindh, where by some process the oil is rendered odourless. A large proportion of it is then mixed with ghee and sold at a high price as genuine stuff. Some adulterators mix it with potato mesh and the others go so far as to use animal grease in increasing its quantity without regard to the religious feelings of the consumers.

"In malaria and plague seasons when every invalid is in need of good milk, the milk sellers reap a good harvest by adding half the quantity of water, and some time more. Even in normal times you cannot obtain pure milk from a shopkeeper at any price. There must be some water in it.

"This Bill, if rigidly brought into practice, is sure to go a long way in minimising the risk of adulteration and therefore it has my hearty support."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

"YOUR HONOUR,—I give my whole hearted support to the introduction of this Bill. In my experience of the daily life I have come to know that it is almost difficult to get any pure thing from the bazar. Things have gone to such an extent. In my opinion such a measure will be quite wholesome and will be beneficial to the public at large. I do not think many arguments are required to substantiate the principles of the Bill. I, therefore, support the Bill."

The Hon'ble Khwaja Yusuf Shah :—

"I HEARTILY support the introduction of the Bill. It has satisfactorily worked in the United Provinces and it has been a long-felt desire that it should be introduced in the Punjab."

[Rai Bahadur Ram Saran Das ; Rai Bahadur Bakhshi Sohan Lal ; Pandit Sheo Narain ; Raizada Bhagat Ram ; Mr. Lumsden.]

The Hon'ble Rai Bahadur Ram Saran Das : -

"YOUR HONOUR,—The Bill which seeks to make provision for the sale of food in a pure and genuine condition and to prevent its adulteration is sure to be received with approval. This Bill has been long overdue and I heartily welcome its introduction. The principles underlying this Bill are quite non-controversial and its provisions are bound to be of great benefit to the people. I have, therefore, great pleasure in supporting the motion of the Hon'ble Mr. Lumsden."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—

"YOUR HONOUR,—The abnormal rise in the prices of the food seems to have encouraged the adulteration specially in ghee and milk. It is absolutely necessary to prohibit such adulteration in edible articles which besides becoming less nutritious very often becomes deteriorated. Adulteration may not necessarily begin with the bazar merchant, but very often articles begin to be adulterated from the very beginning. In ghee and milk the *Gujjar* begins to adulterate and they go on being adulterated by all persons who follow him. It is absolutely necessary to prevent adulteration in such edible things and I, therefore support that this Bill may be passed."

The Hon'ble Pandit Sheo Narain :—

"YOUR HONOUR,—The Bill which my Hon'ble friend Mr. Lumsden has introduced will be received with approval all round. It is not the question of the rise of prices. It is really the quality which is a matter of serious concern to the people. The people could afford to buy anything at higher rates but people cannot afford to buy even at the highest prices things which are deleterious and pernicious and the legislative enactment proposed would not have been necessary, had not discoveries been made which are appalling. Bengal Council introduced such a Bill in its Council because appalling discoveries had been made. Likewise every individual here notices, how mysteriously and insiduously bad milk, bad ghee and bad flour cause disease, which no medical man can ordinarily prevent. He only cures the disease and cannot perhaps find out the real cause. The legislation of this nature is exceedingly necessary and in fact indispensable. In the present state of things every body cannot keep his cow or buffalo. Every body cannot keep a *pisinhari* to grind the corn. Every body cannot have control over the commodities in the market, because partly it is done by machinery and because there is a very large export and import from district to district. We cannot check and control any body till there is a legislative enactment.

"A friend of mine some years ago very humorously remarked that if things went on in this manner, we shall soon have a day when we shall buy ghee from Plomer's in bottles like Cod Liver Oil and other medicines. If things went on at the same rate this state of things will come about, but I hope that this legislative enactment will not allow that day to come and I hope it will not come. For that reason the enactment is absolutely necessary. I, therefore, support the Bill."

The Hon'ble Raizada Bhagat Ram : -

"YOUR HONOUR, - We are all grateful to Your Honour's Government for introducing this measure, which undoubtedly will be very popular. Not committing myself as to the provisions of the Bill, some of which are open to criticism, I give my general support to the introduction of the Bill."

The motion for leave to introduce the Bill was put and carried.

The Hon'ble Mr. Lumsden :—

"YOUR HONOUR,—I introduce the Bill and I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon and be referred to a

[*Raizada Bhagat Ram ; Mr. Craik.*]

Select Committee consisting of the Hon'ble Sayad Mehdi Shah, the Hon'ble Pandit Jawahir Lal Bhargava, the Hon'ble Khwaja Yusaf Shah, the Hon'ble Pandit Sheo Narain, the Hon'ble Colonel Hendley, the Hon'ble Mr. Gracey and the Mover."

The Hon'ble Raizada Bhagat Ram : -

"MAY I move, Your Honour, that the Hon'ble Rai Bahadur Ram Saran Das be added to the Select Committee."

The motion that the Bill be referred to a Select Committee consisting of the Hon'ble Sayad Mehdi Shah, the Hon'ble Pandit Jawahir Lal, Bhargava, the Hon'ble Khwaja Yusaf Shah, the Hon'ble Pandit Sheo Narain, the Hon'ble Colonel Hendley, the Hon'ble Rai Bahadur Ram Saran Das, the Hon'ble Mr. Gracey and the Mover, was put and carried.

PUNJAB VILLAGE AND SMALL TOWNS PATROL BILL.

The Hon'ble Mr. Craik :-

"YOUR HONOUR,—When I introduced the Village Patrol Bill at the last meeting of this Council, I made it clear or at any rate I tried to make it clear that Government would welcome suggestions for its improvement, and in view of the adverse opinions expressed at that meeting by certain Hon'ble Members, I gladly accepted the motion that two of its most stalwart opponents should be added to the Select Committee. Well, Sir, the result was that we had a particularly strong Committee, which I think everyone must admit was thoroughly representative of those classes which will be affected by the Bill, and the Bill has emerged from their careful and detailed examination, as I quite expected it would, with several important changes. I think I am right in saying that there was practically complete unanimity in the Select Committee as to the desirability of the Bill in its modified form, and I hope that the changes we have made in it will mitigate the opposition which certain Hon'ble Members displayed on the occasion of its introduction. I think I can claim that, as Member-in-charge, I have met in no niggardly spirit the various suggestions put forward by Members of the Select Committee, and the acknowledgments to that effect made to me by certain of those Members embolden me to hope that in its present form the Bill will now command the general approval of the Council.

"It is not necessary for me at this stage to inflict on the Council a discussion of the Bill in detail as I did this at some length at the last meeting. Nor need I go through the changes made by the Select Committee clause by clause as their report was published in the *Gazette* and in the Press some 10 days ago and has doubtless been carefully studied by all Hon'ble Members. I will merely refer briefly to some of the principal changes.

"In the preamble and in the long title we have made it clear that the Bill is a measure to be used only in cases of emergency, and this principle has been emphasized by the introduction into clause 3 (1) of certain words which impose an obligation on the Deputy Commissioner, before passing an order requiring a village to perform patrol duty, to find definitely that 'special measures are required to secure the public safety.' That is the form of words used I think in the Defence of India Act and I believe it is the usual legal expression for what is commonly called an emergency.

"I wish also to call attention to another addition to clause 3 (1). The words 'or on being required so to do by the Deputy Commissioner' are new ; their effect is that even where there is no voluntary system of *thikripahra*, the Deputy Commissioner cannot put the Bill in motion until he has given

[Mr. Craik.]

the village or villages concerned an opportunity of starting a voluntary system.

" But the most important change made by the Select Committee is the substitution of the village *panchayat* for the *lambardars*, and I think all Hon'ble Members will agree that this will meet one of the main objections urged against the Bill at the last meeting,—that it put too much power in the hands of the *lambardars*. The effect of this change will be, to use the words of the Select Committee's report, to entrust the detailed administration of the measure to popular control. The general supervision must of course remain with the District Officer, who is ultimately responsible for the maintenance of order, but as much as possible has been left to the *panchayat*. It may, I think, be hoped that by the creation of this body we shall do something to revive the feeling of communal duty and communal responsibility on which the Hon'ble Lala Kanshi Ram laid so much stress in his speech on this question of *thikripakra* two years ago and it may be that, if the *panchayats* rise to their opportunities, they may be employed for other and more important duties than those imposed on them by this measure. Their functions under this Bill will be to make proposals as to the way in which the patrolling shall be carried out, the method of selection, the number of patrols and so forth, to warn the men liable for duty, to approve substitutes and grant exemptions, and to punish defaulters. As to this last point we have transferred the power of fining individuals from the Deputy Commissioner to the *panchayat*, and have made the procedure as simple as possible. The Select Committee felt that there was no occasion for a formal written order, with its inevitable accompaniments of appeal, execution and so on. The *panchaya* will not be a judicial body, equipped with the inevitable *muhaarir* and registers. What we contemplate is that the *panchayat* shall simply send for the defaulter and if not satisfied with his excuses say to him: 'You are fined a rupee,' or two rupees or whatever the *panchayat* thinks fair. I believe that their decision should really express the popular feeling as to the defaulter's failure to do his duty, and will in nearly all cases be accepted by the defaulter. If he is not satisfied, he can refuse to pay and then the *panchaya* will apply to the Deputy Commissioner and ask him to realize the fine as Collector. This he would ordinarily do unless he thought the fine unmerited or excessive.

"Then again by the new words introduced into clause 11, we have provided various safeguards in regard to the Deputy Commissioner's power of fining a defaulting village or section of a village. He must now make a written order, and can only do so after giving due notice to the village and after considering all objections. His order will under clause 12 be appealable, and the power of fining cannot be delegated by the Deputy Commissioner to subordinate authority. Fines so imposed will now be credited to the District Board instead of to Government, as was provided in the original Bill, and may be devoted to rewarding good service on patrol duty. I shall presently move a small amendment to substitute 'may' for 'shall' in the last sub-clause of clause 11.

"Such, Sir, are the principal changes made by the Select Committee. I do not think it is necessary for me to explain the less important or formal alterations, and I have purposely refrained from all reference to two somewhat important points, the method of selecting the *panchayat* and the question of exemptions. There are amendments on the paper in regard to both these points, and I shall have an opportunity, when speaking on them, of explaining and I hope justifying the provisions of the Bill.

"With these remarks I present the Report of the Select Committee on the Bill.

[*Rai Bahadur Ram Saran Das ; Diwan Bahadur Daulat Rai ;
Sardar Bahadur Sardar Gajjan Singh ; Mr. Fazl-i-Hussain ;
His Honour the President.*]

"I now beg to move, Sir, that the Report of the Select Committee be taken into consideration."

The Hon'ble Rai Bahadur Ram Saran Das :—

"YOUR HONOUR,—Many of the serious objections against the Bill have now been removed. The only thing that can still be said to be objectionable in the Bill is the existence of Penal Clauses. Your Honour, co-operation and compulsion are two separate and antagonistic things. These Penal Clauses are therefore quite repugnant to the principles governing the *thikri pahra* system. But as the Bill is only to be used in cases of emergencies and is not to be treated as an ordinary statute, I accord it my support. Bnt, Your Honour, I hope the Penal Clauses would be used with great caution by the heads of the districts. With these words I support the motion."

The Hon'ble Diwan Bahadur Daulat Rai :—

"YOUR HONOUR,—When the Bill was first introduced in this Council I raised objections to it on three grounds. The first was that when the voluntary system was doing very well it was not necessary to introduce legislation and the second was that the Bill as originally drafted gave very vast powers to the lamardars which were liable to be misused, and the third was that there was no apparent emergency for legislation. I am glad now to be able to give support to the motion for the reason that all those three objections have been met in the Bill which has now emerged from the Select Committee. The prophetic words of Your Honour—let the Bill go to the Select Committee and when it emerges it may be acceptable to all the Hon'ble Members—have been realised. I therefore give my support to the Bill."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

"YOUR HONOUR,—As is well known to this Council I opposed the introduction of this Bill at the last meeting. Then, Sir, in the Select Committee there were two courses open to me."

The Hon'ble Mr. Fazl-i-Hussain :—

"YOUR HONOUR,—I rise to a point of order. The motion before the Council is that the Report of the Select Committee be taken into consideration. Till that motion is passed, discussion of the Bill is hardly called for."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

"I think I am entirely in order, Sir. As one of the members of the Select Committee I am going to explain "

His Honour the President :—

"So far the Hon'ble Member is in order."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

"There were two courses open to me, that of insisting upon the opposition and not to offer any suggestions and thereby to prevent the Government possibly from passing the measure in its original form. The other course was to offer suggestions and to try to improve the Bill in such a way that it will meet the entire approval of the people. For obvious reasons I decided to follow the latter course and I must state frankly that the Hon'ble Member in charge of the measure has accepted almost every suggestion which was put forward falling short of the entire dropping of the Bill and in that way I submit, Sir, that the provisions of the Bill which have now been detailed by the Hon'ble Mr. Craik have been so framed as to be wholly acceptable. Under the circumstances I need not go over the same ground again but I would submit, Sir, that the main feature of the present Bill is now clear that it is an emergency Bill. The opposition was directed towards the Bill on the

[*Sardar Bahadur Sardar Gajjan Singh.*]

understanding that the Bill is meant to meet ordinary times and is likely to be applicable without considering whether there was any emergency or not. There is no doubt that it was not in my mind that in case of emergency the Government should not be supported in the manner suggested. Therefore, I think I am not ashamed to change my attitude after the objections have been met, and then, Sir, there are one or two important considerations which I should like to mention. Beside the Bill being an emergency measure the most important feature of the Bill is the substitution of the village *panchayat* on elective lines. The *zaildar* will consult the wishes of the village community and the Deputy Commissioner will nominate their representatives in addition to the *lambardars* from the persons reported by the *zaildar* and thus every part and every possible faction will have a representative on the *panchayat*. So on that ground there should be no apprehension that any one will be unfairly treated. When the other feature of the Bill is that there is no idea that any of the fines whether imposed by the *panchayat* or whether imposed by the Deputy Commissioner on defaulting villages will be credited to the Government. The Government has accepted the principle that that money can be spent for the benefit of those people from whom the fine is levied. Then, Sir, another most redeeming feature of the Bill is that the police is entirely out of it. There was some misapprehension in the minds of several members that the measure if passed in that state will prove an engine of oppression in the hands of the police and the idea that police will have the power to *chalan* before the magistrate or before the Deputy Commissioner was simply horrible and that obviously in the course of time every one will stand convicted. That idea is now removed and the powers have been given to the village *panchayat* who of course are expected to exercise their functions with discretion.

“Further on, Sir, much depends and would depend upon the manner in which Deputy Commissioners exercise their discretion in making this Bill applicable to any particular village or set of villages. On that point two conditions have been imposed. One of them is that the Deputy Commissioner will have to come to the conclusion that an emergency had risen and the second is that villagers after notice being given have failed to make their own arrangement on voluntary basis. I submit that this is a substantial provision of the Bill which is calculated to keep the co-operation and the voluntary spirit of the people in full force. Any village will be at liberty to make their own arrangements and thereby keep their village entirely free from the operation of the Bill—and then over and above this, power of appeal has been given against an order of the Deputy Commissioner, and there is no doubt that Deputy Commissioners before they decide to apply this Bill to any particular village will consider whether a case is made out. He will also consider that his order is open to appeal so that there must be some material before him to show that the order is one which is justifiable. So on that ground, Sir, another safeguard is provided in the Bill: Therefore, Sir, for all these reasons I have been in a position to withdraw my opposition altogether and to secure all these concessions from the Hon'ble Member-in-charge. I am quite confident that under the very careful supervision and control of the Province by Your Honour the provisions of this Bill will be applied only where necessary, and in that case no body could grudge any help to Government and must make any sacrifice. At the same time I may point out that in my humble opinion although the experience of the Hon'ble Mr. Dault Rai is to the contrary I have my apprehensions, Sir, that dacoities, at least armed dacoities, will not be likely to be affected by the Patrol Bill, and if they are, no body will be gladder than myself.

“What I would suggest, Sir, is that in suitable cases Deputy Commissioners will find themselves in a position to use their powers of granting

[*Khan Bahadur Khwaja Yusuf Shah ; Rai Bahadur Bakshi Sohan Lal ; Mr. Fazl-i-Hussain.*]

free license for arms to the village patrolling people with a view to guard themselves against the armed dacoits and to enable them to perform their duties. The other thing which I would urge for the consideration of Your Honour is when the normal times return, when the war is over and there is no apprehension that any emergency is likely to arise the Bill might be repealed altogether. With these remarks, Sir, I give my support to the Bill in its amended form."

The Hon'ble Khan Bahadur Khwaja Yusuf Shah :—

"YOUR HONOUR,—I rise to support the Bill. I do so for two or three reasons, which I believe to be very good reasons. The Bill is to my mind a very desirable measure.

"It has so far worked very well indeed in the Amritsar District. Besides the Government themselves have given a very definite assurance that they are going to use it only in cases of emergency. As Your Honour rightly observed in your speech last time on this Bill we have had surprises in the past, and that there is no guarantee that we shall not have such surprises in future. The *jinn* of the Arabian Night may not always like to remain pent up within the bottle. For these very practical reasons I would strengthen the hands of the Government and will vote for the Bill as now amended both by the Select Committee and the Council."

The Hon'ble Rai Bahadur Bakshi Sohan Lal :—

"YOUR HONOUR,—When the Bill was introduced in the Council, I was not present, but I cannot refrain from expressing my humble opinion that I would like to have the aims and objects of the Bill carried on by the Village Panchayat without the official intervention of the Deputy Commissioner. I would like to have the proceedings of the Panchayat controlled and advised by the District and Municipal Boards rather than by the Deputy Commissioner. I am unable to accord my support to the Bill as it stands."

The motion that the report of the Select Committee be taken into consideration was put and carried.

The Hon'ble Mr. Fazl-i-Hussain :

"The Bill has now returned to the Council, after having been to the Select Committee, and, as has been very rightly pointed out by the Hon'ble Member in charge it has undergone a good deal of transformation, and, as has rightly been claimed, transformation for the better. As a matter of fact, the Bill has been so considerably changed that there is every hope of seeing the Bill through this Council without much opposition. Ordinarily I would not have found it necessary to submit any remarks on the Bill, but the discussion which the Bill evoked at the last Council after I had addressed the Council, makes it necessary for me to make certain observations on 3 or 4 points which came prominently before the Council. The first and foremost was the expression of surprise on the part of a number of members of this Council :—How is it that a few years ago a resolution was unanimously passed by this Council suggesting that we should have *thikri-pahra*, or village patrol done by the villagers, and how is it that after these years when the Government is trying to introduce that very measure there should be such a show of opposition? And it was a very natural question to ask. Again the second question that arose was—how is it that when the Bill was circulated for opinion there was a chorus of approval while in the Council those very Members including myself who had accorded their approval to the principles of the Bill, now found it necessary to attack that very principle of the Bill which they had eulogised so much? It is necessary to state those questions frankly in order to give a frank answer. It seems to me that it is highly necessary that

[Mr. Fazl-i-Hussain.]

such questions should be frankly stated and frankly answered. I am sure that the Hon'ble Member who had moved that Resolution at the time had he been present in this Council at the last meeting, would have also opposed the Bill as it was presented. What is the reason? So far as I think, the reason is that somehow or other some of us feel that in cases of dacoity or robbery, people, the inhabitants of this province, are very unfortunately situated. They are absolutely unarmed and they have to oppose people who are unlawfully armed and in a position of advantage. It was an important element of that resolution that this militia—this village militia—which the resolution intended to create should have arms in order to fight people who are in illegal possession of the arms and who come to the village to disturb peace. As a matter of fact the Hon'ble Member in charge dealt with that part of the resolution and stated that it is true that the idea of that Hon'ble Member who moved that resolution was that these people who are entrusted with patrol duty in the village will have to face the dacoits and the robbers not empty handed or with *dangs*, but with something far more useful than that, and that dacoits who are in the habit of frightening the villagers just by a show of revolvers should be faced by these men on watch and ward with arms at least in same way so that good resistance could be offered to the dacoits. Now, Sir, I may mention that at the time when the Bill came to me for opinion, I stated after having criticised all the provisions of the Bill, as the report circulated to us for this meeting shows that I criticised all the provisions of the Bill, and towards the end I approved the principle of the Bill. Why did I do so? At the time my impression was that we are really every day becoming more or less frightened of the use of any arms whatsoever, that people are at the mercy of any rowdy person or *badmash* who by collecting a number of *badmashes* with him showed *dangs, chavis* or *kulharis*. That man can turn to any village or mohalla and by the show of force proceeds to do anything he likes. What I had in mind was the creation of a village militia or a smaller town militia or Lahore suburbs militia which will be in a position to protect themselves against the onslaught of any *badmashes*. When I found that the Hon'ble Member in charge had taken a portion of the suggestion of the Hon'ble Member of the Council and rejected the other portion and reduced the militia of my ideal to the position of an ordinary *chaukidar*, I did not feel I was at all bound to support the Bill. In fact I felt myself called upon to oppose it. I can assure Your Honour, that even now if the real principle involved in that resolution were incorporated in the Bill which was introduced by the Hon'ble Member in charge, without any opposition that principle and the Bill will be accepted, but there is, as I have submitted, a great difference between the creation of that spirit of militia and simple voluntary *chaokidara* instead of the paid *chaokidara*. There is great deal of difference between the two. Then there was another question which I raised in the hope that it will evoke some reply. The question was that the Hon'ble Member in charge had not discussed the present legal position, as to what we have got at present to protect the villages against raids. I pointed out that in 1872 the Punjab Laws Act was passed, and that 45 rules were framed by this Government on or about the same time. Those rules enabled the villages to arrange what is called the village police, and the Deputy Commissioner of the district was placed in charge of that police; he was the sole master of that police and the Deputy Commissioner had the powers to raise their number, to fix their pay, and to assign them their duties. How is it and why is it that that has not been a success, if it has not been a success? When I again read the section to-day, it seems to me that it was intended—the provisions of section 39 make it absolutely clear that there must be a net-work of the village police throughout the district, that it was to have its own *dafadars*, and that they were not only to do the menial work of the village, but they were

[Mr. Fazl-i-Hussain ; Pandit Jowahir La' .]

to do police duties, look to the sanitary condition of the village and report all these matters to proper authorities. It may be said, and it I think was said, that these *chawkidars* have their own villages, their own lands to cultivate, and they have their own work to do during the day. That would only show that their number stands in the need of being enlarged, and that there is not a sufficient number of these people. The rules framed by the Local Government in that section went so far as to prescribe their dress, the arms they were to keep, the powers they were to exercise and the privileges they were to enjoy. Yet it seems to me that the Hon'ble Member in charge of this Bill has practically put aside this measure and all those rules as if they were non-existent, if it was that those rules did not exist and the present Bill was absolutely necessary this Bill would be fully justified. But in the presence of those measures, I venture to submit that the necessity of the Bill has not been made out. There is, so far as I can see, one consolation that it has been clearly and emphatically laid down that this Bill is an emergency measure, and that it cannot be brought into operation till the Deputy Commissioner has given a chance to the villagers to protect themselves by voluntary arrangement, and it is only on their failure to do so that he can bring it into operation. But I venture to submit that even there the matter is not clear. My contention is that under the existing law the Deputy Commissioner is himself responsible for seeing that the *chawk dara* system is in good working order. If the village, under the rules framed by the Local Government, is not well looked after so far as the *chawkidara* system is concerned, it is the duty of the Deputy Commissioner to see that it is more efficient. So practically what it amounts to is that under the existing law the Deputy Commissioner does not do his duty in bringing the *chawkidara* system up to its proper mark, and instead of acting under that Act he proceeds to act under the new Patrol Bill. He says, 'Well it does not matter about that Act and those powers that I have, I choose to proceed under this Bill.' I understand that it is an emergency measure and the occasions for its exercise, I trust, will not be very frequent. I do not think that the measure need be opposed. But I may mention that in cases like this, it is perhaps necessary that the existing law and the new Bill should be both put together and both considered in order to see whether the additional law is really necessary or not. However, as I have begun by saying that it is a measure, as it stands, not one which can under the ordinary circumstances effect anybody, therefore it is after all as Your Honour has pointed out جس کے لئے. It is useful to get it although it may not be necessary to use it for the purpose in view and therefore I will not oppose it."

The Hon'ble Pandit Jowahir Lal :—

"YOUR HONOUR,—When this Bill was introduced into this Council exception was taken to its principle by the members of this Council. It was pointed out by the Hon'ble Member in charge of the Bill that that criticism was too late and that it should have been given expression to at the stage when the Bill was circulated for opinion, but if reference was made to the letter which was sent along with the Bill it would be clear that the members were asked to confine their criticisms, if any, to the details of the Bill. They were not asked to touch the principle underlying the Bill. Paragraph 3 of the letter runs thus : "The legalisation of *thikri pahra* has been accepted by this Government in principle, and I am to request that you will confine your criticism, if any, to the details of the Bill." It was for that reason that I at least did not touch the principle of the Bill at all, and I offered the few remarks that I had to offer on the details. Last time was the first occasion upon which objections could be taken to the principle underlying the Bill, and as there was some misunderstanding about this being an emergency measure, objection was taken to it, but now that it has been made clear that it is purely and simply an emergency measure, and as the Bill as it has emerged from the Select

[*Khan Sahib Mirza Ikram Ullah Khan ; Raizada Bhagat Ram ; Diwan Bahadur Diwan Daulat Rai.*]

Committee has decidedly met the objectionable features of the original Bill, I accord my support to it."

The Hon'ble Khan Sahib Mirza Ikram Ullah Khan :—

"YOUR HONOUR,—I fully agree with all the provisions of the Bill as have now been revised by and come out of the Select Committee, and I heartily support that the Bill be passed into law.

I first saw the system of *Thikri Pahra* working in the Amritsar District and was so interested in it that I at once introduced it in my own villages and found it very advantageous.

I have also consulted many respectable zamindars in the Gujranwala and other districts and they all agree to the Bill, specially as it has now been altered, and I believe it shall be most useful in case of emergencies for which the measure is intended. But still personally I am in favour of including non-official among the persons to whom power might be delegated by the Deputy Commissioner under clause 6 of the Bill."

The Hon'ble Raizada Bhagat Ram :—

"YOUR HONOUR,—I do not think that as a number of the Select Committee I am called upon to make any lengthy remarks for the reason that there is absolutely no opposition to the principle of the Bill. There are two points on which, Your Honour, I disagree with the majority of the members of the Select Committee, and those two points are these. I suggested that in a measure of this kind there should be no exemption. The particular reason on which I based that objection was that it is supposed to be a voluntary movement and institution. Under the old institution, as I have studied it in the books, I find that there were no distinctions for the reason that exemptions cause heart-burnings. Every man, whatever his status, whatever his position, whatever his worth, was placed on an equal footing, and for that reason I differed from the majority of the members of the Select Committee and submitted that there should not be any exemption. But on further consideration, Your Honour, I have changed my opinion, and so far as this objection is concerned I withdraw it, my principal reason being that exemption to my mind is a concession, in some cases however not only good men get it but also *badmashes* of the village get it, and for that reason, and that being the principal reason, I made this suggestion against exemptions. I do not, however, press that point before this Council.

"The second point is just what has just been proposed by the Hon'ble Mirza Ikram Ullah Khan. It is one which still, I think, is of importance, and it will certainly add to the popularity of this measure if Your Honour will permit that in clause 8 the words which I suggested before the Select Committee be added. It is a very necessary addition, and I am sure in a measure of this kind which is principally in the hands of officials, if in any place suitable men are found who are able to render some useful work and see to the good working of this system there is no reason why the same opportunities for work should not be given to non-officials as are given to the officials of the district. I am sure, Your Honour, that there may be scores of men to be found in each village who are neither Honorary Magistrates and have no ambition to be a Magistrate, but still they may be in such a position that they may be able to see to the working of this measure in a just and proper manner. For that reason I submit that in clause 8 which gives the Deputy Commissioner power to delegate to any Sub-Divisional Officer or any magistrate of the first class all or any of the powers under sections 4, 6 or 7 of this Act, the words "or any person" may be added after the word 'class.'"

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—

Would it be any person?"

[*Raizada Bhagat Ram ; Rai Bahadur Chaudhri Lal Chand.*]

The Hon'ble Raizada Bhagat Ram :—

“ Yes.”

The Hon'ble Rai Bahadur Chaudhri Lal Chand :—

“ YOUR HONOUR,—The amendment that I am going to propose is a very simple one. The powers given to the Lambardars in the original draft of the Bill have been transferred to a Panchayat by the Select Committee. This body consists of all the Lambardars of the village as well as at least an equal number of non-Lambardar residents of the village. On the face of it, this looks very sound and meets the objection of those who allege that Lambardars are mere tools in the hands of the police. I am not a Lambardar myself and am not at all personally interested in the extension of the powers of these village officials. On the other hand, I am proposing this amendment in the interests of those who live in villages and having lived myself in the village all my life, I may certainly be accused of having an interest in guarding the interests of these inhabitants more than any other member. Some of my anti-Lambardar friends were alarmed at this amendment, but I am sorry to say that most of them are not in touch with the village life and ignore the practical side of the question in their zeal to deprive the Lambardars of their powers. However, this much they will admit that the word Panchayat literally denotes a body of representatives consisting of 5 persons. This body becomes unwieldy if it consists of say more than 10 members. It is difficult for a large body to come together every time they have to settle their disputes. The present definition of Panchayat requires the addition of at least an equal number of men to the Lambardars in order to form a Panchayat.

Now I have personally seen half a dozen districts village by village and know that in every district there are any number of villages where there are more than 10 Lambardars in each village. I am not in possession of the full statistics about any district, but for the information of the Hon'ble members I quote a number of villages in South East Punjab where the number of Lambardars exceeds ten. In Karnal District I could name from memory villages like Nolta, Kurana, Mandi, Bawana Lakhu, Chhatar, etc.; in Hissar I could mention from my own knowledge villages like Kairu Dhanana, Saman, Shala Dhahri, etc., and in Rohtak similarly villages like Mandothi, Chhara, Khandra, Dighal, Baroda Badli, Butana, Sanghi and many others. I may further mention that villages are not wanting where this number exceeds 15 and goes up to 20. Chhara in Rohtak boasts of as many as 18 Lambardars. I may also mention that there are villages of this type nearly all over the Province. If the Deputy Commissioner passes an order under this Bill in respect of one of these villages the Panchayat will consist of from 0 to 10 men. That such a body is very unwieldy will be admitted by all the Hon'ble Members. However, with Your Honour's kind permission I may give an instance of this type from my own personal experience. I was Settlement Naib Tahsildar in the Hissar District and had to consult the Lambardars of a village (Sawam) on a matter which had to be decided by a majority of their votes. The number of Lambardars in that village was about 17, and I thought I might go to the village myself in order to save them the trouble of coming to my headquarters. I gave notice of my visit to the village beforehand and sent orders that they should all see me there. I went there and tried to collect them all in one place at one time for two days but could not succeed. It was not till after I had fined one or two villagers under section 149 of the Land Revenue Act. that I got a majority of the Lambardars before me.

The Lambardars have got some stakes. They can be dismissed and their *pachotra* can be forfeited, but the non-Lambardars have no such thing to fear. I could use my powers under section 149 to gain my object, but the Panchayat has no such whip for its defaulting members. I would have remained silent if the result of such default on the part of the Panchayat would have been

[*Mr. Craik ; Rai Bahadur Ram Sarn Das.*]

simply to dismiss that body and have another Panchayat elected. But as the Bill now stands, the only remedy for the Deputy Commissioner is to use his power under clause 11 and impose a fine on the whole village. I have not the least doubt that the big villages will under the present provisions make default and free use of clause 11 will be the result. In smaller villages the Panchayat may consist of as many as three times the number of their Lambardars without creating any practical difficulties, but in bigger villages this will not work. My amendment does not take away the discretion of smaller villages to have a sufficient number of non-Lambardars, and most probably these are the villages which are before the eyes of most of my Hon'ble colleagues when they oppose the Lambardars. Their position is not much altered, and I in the name of these big villages which are in large numbers in all the districts of the Province propose that the words "not less than and" be expunged from the proviso to the definition of the *village Panchayat* in clause 2, hoping the Hon'ble member in charge will have no hesitation in accepting it."

The Hon'ble Mr. Craik :—

"YOUR HONOUR,—The reasons given by the Hon'ble Member in favour of his amendment seem to me to be so eminently cogent and practical that I am prepared to accept it. I do not think the point was fully considered in the Select Committee. I myself can support the experience of the Hon'ble Member as regards the excessive number of Lambardars in certain villages. I know certain villages where there are as many as 20, and as he says to get them together for any purpose whatever is extremely difficult, so difficult in fact as to be almost impossible. In a village of that sort we might conceivably have a Panchayat of no less than 60. This seems to me to be reducing the position of the Panchayat to an impossible one, and it might in practice mean either that the Panchayat would be the scene of wrangles between different factions or else that the work would be left in practice to one or two men or perhaps to three or four men. In that case what is the object of going to the trouble or bother of appointing as many as 55 or 56 men? I am therefore prepared to accept this amendment."

The motion that in clause 2 the words "not less than and" be expunged from the proviso to the definition of the 'village Panchayat' was put and carried.

The Hon'ble Rai Bahadur Ram Sarn Das :—

"YOUR HONOUR,—I beg to withdraw my amendment to the effect that in clause 2 in the definition of village panchayat the word 'Talsildar' be substituted for 'Zaildar'.

The Hon'ble Mr. Craik :—

"It is entirely at the Hon'ble Member's option to withdraw it, but I was prepared to make some concession."

The amendment was by leave withdrawn.

The Hon'ble Rai Bahadur Ram Sarn Das :—

"YOUR HONOUR,—I move that in clause 2 to the definition another proviso, viz., *provided also that all important tribes and castes of the village community are represented on the Panchayat*, be added. In order to make village Panchayats fully representative of the people, I think in a society like village community, elders of all important castes and tribes should have a place in it. If this is not done, I fear, Village Panchayat will not command that amount of respect and confidence which it should. I am sure the framers of the Bill also intended that the Village Panchayat should be a thoroughly representative one, for it can only then work successfully. My amendment seeks to make that intention only more definite and clear. I hope the Council will accept this amendment."

[*Mr. Craik ; Rai Bahadur Ram Sarn Das.*]

The Hon'ble Mr Craik :—

"YOUR HONOUR,—I am afraid I cannot accept that amendment. I do not see it would have any practical legal effect whatever, and for that reason I do not accept it. For instance, it is not easy for anybody to say what is an important tribe or caste, and who is to be the judge of what is an important tribe or caste. You have all the Lambardars as necessary parties to the Panchayat, and it seems to me that you must in this way include all the important landholding classes. In towns the municipality is supposed to be and usually is representative of all the classes. In villages the landholding classes are invariably in a very large majority, and they will be represented on the Panchayat. If there are any other classes of sufficient importance, I have no doubt that the Deputy Commissioner will nominate one or more members of them to the Panchayat, but I can see no object whatever in putting in a vague, and to my mind, an impracticable direction of this sort in the body of the Statute. I am prepared to go so far as to say that I see no objection to the issue of executive instructions to Deputy Commissioners to carry out the Hon'ble Member's wishes. But his amendment seems to be so vague, that I am not prepared to accept it."

The Hon'ble Rai Bahadur Ram Sarn Das :—

"If administrative orders are issued on the subject then I withdraw my amendment."

The amendment was withdrawn.

The Hon'ble Rai Bahadur Ram Sarn Das :—

"YOUR HONOUR,—The Bill makes the village community responsible for patrol duty. If any particular village fails to provide for the due performance of the duty, the village is to be punished for that. If a village Panchayat wishes to exempt any person from this duty, I think it is unnecessary for the Deputy Commissioner to intervene, so long as the duties are performed satisfactorily. Moreover, particular individual cases for exemption may have to occur every day. The confirmation of the Deputy Commissioner will become impracticable; it will add much to his works, and eventually I think, this confirmation business will become a farce. For these reasons I submit that the words 'subject to confirmation by the Deputy Commissioner' in clause 6 (b) should be omitted. With these words, Your Honour, I move this amendment."

The Hon'ble Mr. Craik :—

"YOUR HONOUR,—Here again I am sorry I must decline to accept the amendment. The Hon'ble Member has based his amendment, I understand, partly on the reason that as the clause stands there is a considerable burden of work thrown on the Deputy Commissioner. Well that burden of work will not really be very considerable. The Deputy Commissioner will get the list of exemptions, and I should think he will ordinarily accept it as a matter of course, but we must preserve to him the power of revising the list if he gets a list which he thinks is unduly favourable to a certain class or exempts too large a proportion of the villagers. If we were to accept the Hon'ble Member's amendment I should like to point out that it would be open to the village panchayat to exempt everybody in the village. Then what would happen? That seems to me a fatal objection to the amendment."

The Hon'ble Rai Bahadur Ram Sarn Das :—

"I HAVE not been able to follow the Hon'ble Mr. Craik. What I say is that as long as the work is going on all right there is no need for the Deputy Commissioner to interfere. What I mean is that he should give more power to the Panchayat to give exemptions."

[*Mr. Craik ; Rai Bahadur Ram Sarn Das.*]

The Hon'ble Mr. Craik :—

"THE Hon'ble Member has not appreciated my point. If an unlimited power to grant exemptions were given to the village Panchayat, what is there to prevent the Panchayat from exempting every body in the village? Or it might exempt the whole body of zamindars and throw the whole burden of patrolling on the kamins. That is why I cannot accept the amendment."

The Hon'ble Rai Bahadur Ram Sarn Das :—

"IN case we add a proviso."

The Hon'ble Mr. Craik :—

"YOU have already got a proviso, 'subject to confirmation by the Deputy Commissioner.' If the village panchayat is sensible and moderate in granting exemptions, there is no reason whatever why the Deputy Commissioner should interfere at all. It merely gives the Deputy Commissioner power to intervene where he considers that the Panchayat has been abusing its power of granting exemptions. That is the reason why the clause should be retained as it is."

The Hon'ble Rai Bahadur Ram Sarn Das :—

"I THEN withdraw my amendment, that in clause 6 (b) the words subject to confirmation by the Deputy Commissioner' be omitted."

The amendment was withdrawn.

The Hon'ble Rai Bahadur Ram Sarn Das :—

"YOUR HONOUR,—This Bill seeks to obtain co-operation between the people and the police for the suppression of crime. When such is the principle of the Bill, it should nowhere appear that the Act is to be administered without consulting those whose co-operation is needed. The village people being local men who are on the spot know their requirements better, and, I submit, it would not be advisable to ignore their advice. It is not necessary for the Deputy Commissioner always to follow it, but I think it should be necessary for him to consult them. I am sure, the framers of the Bill did not intend to ignore the advice of the village people in the actual administration of the Bill. My amendment only seeks to indicate that intention more prominently by putting it in the body of the statute. I hope the Council will agree to the amendment which I move that in clause 7, line one, after the word 'shall' the words 'after consulting the village Panchayat' be added."

The Hon'ble Mr. Craik :—

"YOUR HONOUR,—I agree with the Hon'ble Member to this extent that the Deputy Commissioner should, before altering the method of selection for patrol duty, consult the village Panchayat, because when he first decides on a method of selection under clause 4 (2) he has to consult the village Panchayat, and therefore I think it is reasonable to say that when he makes an alteration he should also consult it. But I do not think it is necessary for him to consult the Panchayat as regards the number of persons required for patrol duty or the area to be patrolled. On these two matters it seems to me with all due deference to the Hon'ble Member's opinion that the Deputy Commissioner is a better judge than the village Panchayat. The Deputy Commissioner knows from which direction danger may threaten, where, for instance, a gang of dacoits has its base, or where in the case of frontier districts a raid by trans-border people may be expected. That information is far more likely to be in the Deputy Commissioner's hands than in that of the villagers. Therefore the decision as to the number of patrols required and the area of patrol must, I think, be retained by the Deputy Commissioner. But I am prepared to accept at the end of this clause a proviso to the following effect—

[Mr. Craik ; Rai Bahadur Ram Sarn Das ; His Honour The President.]

"Provided that before altering the method of selection he shall consult the village Panchayat'. If that meets the Hon'ble Member's wishes, he will perhaps withdraw his amendment, and I will move for the insertion of a proviso to that effect."

The Hon'ble Rai Bahadur Ram Sarn Das :—

"I AGREE."

The motion that at the end of clause 7 the following proviso be added 'Provided that before altering the method of selection he shall consult the village Panchayat' was put and agreed to.

The Hon'ble Rai Bahadur Ram Sarn Das :—

"YOUR HONOUR.—The present Bill seeks to modify to a great extent the voluntary system of *thikri pakra*. Sections 11 and 12 take away that charm which is always present in doing a thing voluntarily. The Bill introduces a new element in the indigenous system. The enforcement of these penal clauses, I submit, should take place after great amount of consideration and thought. A Tahsildar is well acquainted with the villages under his charge, and I think it is necessary his advice should be taken before any fine is imposed on a defaulting village. For these reasons, Your Honour, I move that in the proviso to clause 11 (1) after the words 'the Deputy Commissioners shall' the words 'call for a report from the Tahsildar and' be added."

The Hon'ble Mr. Craik :—

"THE Hon'ble Member's suggestion is that the proviso should run—'Provided that before imposing any fine under this section the Deputy Commissioner shall call for a report from the Tahsildar and give ten days' notice by beat of drum or otherwise to the village, and shall consider any objections that may be received by him.'"

"I can see no object in introducing an amendment to the effect that the Deputy Commissioner must call for a report from the Tahsildar. It is unnecessary to impose this obligation in the Bill, because under the clause as it stands at present the Deputy Commissioner is at liberty to call for a report from the Tahsildar if he chooses, and in nine cases out of ten he would do so. Then why include a positive direction to that effect? We want to make the Bill as short and simple as possible and not to give loopholes for possible mistakes by the officers who will have to carry it out. Suppose the Deputy Commissioner for some reason or other did not call for a report from the Tahsildar. Suppose the Tahsildar was in any way not available or he was sick, or he was away on some duty, and the Deputy Commissioner wanted his report in a hurry. If he does not call for a report for one of these reasons, the result would be that the whole of the proceedings would be illegal. My experience is that the result of putting in mandatory directions on such minor points is merely to provide pitfalls for mistakes by the agency that has to enforce the statute. I cannot therefore accept the amendment."

The Hon'ble Rai Bahadur Ram Sarn Das :—

"My amendment does not interfere with the power of the Deputy Commissioner. It simply gives him a discretion."

The Hon'ble Mr. Craik :—

"THE amendment as it runs makes it absolutely essential that a reference should be made to the Tahsildar."

His Honour the President :—

"DOES the Hon'ble Member wish to put the amendment to the Council?"

[*Rai Bahadur Ram Sarn Das ; Mr. Craik ; Mr. Thompson ; Mr. Gracey ; Pandit Jawahar Lal Bhargava ; Raizada Bhagat Ram.*]

The Hon'ble Rai Bahadur Ram Sarn Das :—

"I WITHDRAW it."

The Hon'ble Rai Bahadur Ram Sarn Das :—

"THE amendment that in clause 11 (2), line one, the word '*such*' occurring between the words '*after*' and '*enquiry*' be omitted, and that after the word '*enquiry*' the words '*from the Tahsildar and such other officers*' be added, is a sister amendment to the former amendment, and so I withdraw it.

"I also beg to withdraw the next amendment that for clause 12, the following be substituted :—

"An order of the Deputy Commissioner under section 3 or section 11 shall before enforcement require the previous confirmation of the District Board."

The Hon'ble Mr. Craik :—

"ONE small amendment I wish to put forward, Sir, before the Bill is passed into law, and that is that in the third sub-clause of clause 11 the word '*shall*' in the third line should be changed to '*may*'. At present the section as it runs says :—'*Any fine under this section shall be recovered as an arrear of land and shall be credited to the District Board, and shall be expended on rewarding such individuals or villages as have rendered conspicuous service under the Act.*'

"That is a specific direction which might possibly give rise to trouble if the whole money had not been so expended, and if part of it had been expended on some object which the audit officer did not think well within this definition. I think it would be better to leave entire discretion to the District Board to spend the money in any particular way it considers necessary."

The Hon'ble Mr. Thompson :—

"IF this amendment is to be accepted it would be as well to add the words at the end 'or in such manner as such Board may direct.'"

The Hon'ble Mr. Craik :—

"I HARDLY think it is necessary to add these words. The objects on which the District Board can spend money are stated in the District Boards Act."

The Hon'ble Mr. Gracey :—

"I THINK the addition is desirable."

The motion that sub-clause 3 of clause 11 should run—'*Any fine under this section shall be recovered as an arrear of land revenue and shall be credited to the District Board, and may be expended on rewarding such individuals or villages as have rendered conspicuous service under this Act or in such manner at the said Board may direct*' was put and carried."

The Hon'ble Pandit Jawahar Lal Bhargava :—

"YOUR HONOUR,—I beg to make one suggestion. There is no provision in the Bill providing for the number of members of the Panchayat necessary to form a quorum for deciding questions."

The Hon'ble Raizada Bhagat Ram :—

"This point has been discussed by the Select Committee and purposely omitted."

[Mr. Craik ; Diwan Bahadur Diwan Daulat Rai ; Raizada Bhagat Ram ; Pandit Jawahar Lal Bhargava ; His Honour the President.]

The Hon'ble Mr. Craik :—

" That point was considered by the Select Committee and the decision of the majority of the members present was that we want to make proceedings of the Panchayat as informal as possible and not bind them down to any particular quorum. The decision of the majority present at the meeting will prevail."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—

" Suppose they are equally divided, Your Honour."

The Hon'ble Raizada Bhagat Ram :—

" Then let them have another meeting."

The Hon'ble Pandit Jawahar Lal Bhargava :—

" I beg to suggest one alteration. In clause (6) I think after the words " by the Deputy Commissioner " the word " or " would be more appropriate than " and."

The amendment was put and agreed to.

The Hon'ble Raizada Bhagat Ram :—

" I have already, Your Honour, given my views that the delegating of powers should not be confined to officials only, but that it may be extended to non-officials too. Therefore I propose with Your Honour's permission that in line 4, clause (8), after the word ' class ' the words ' or to any person except a police officer ' may be added or words which may include also non-officials. Clause 8 would then read ' the Deputy Commissioner may de'legate to any Sub-Divisional Officer or any Magistrate of the 1st class or any officer except a police officer, or a non-official.'

The Hon'ble Mr. Craik :—

" I am afraid, Sir, I cannot accept this amendment. In the first place it is out of order, as no notice has been given."

His Honour the President :—

" I have given the Hon'ble Member the necessary permission."

The Hon'ble Mr. Craik :—

" In any case the point raised by the Hon'ble Member was carefully considered in the Select Committee and the majority was against it. I pointed out in the Select Committee, that there is no other Act so far as I know under which the Deputy Commissioner can delegate his statutory power to non-officials, and I do not understand what necessity there is for empowering him to delegate a very important part of his functions in connection with the maintenance of order in his district to non-official gentlemen who are in no way responsible to Government and have only a very indirect responsibility to the people. It seems to me that this amendment is wholly indefensible in principle. In practice what would it mean ? It would give the Deputy Commissioner power to delegate his functions under this Act to the lambardar, the very functionary of whom the Hon'ble Member has expressed such distrust. The President of the District Board would almost invariably be an Honorary Magistrate of the first class, and so the clause as it stands gives power to delegate to him."

The Hon'ble Raizada Bhagat Ram :—

" I beg your pardon. The President of the District Board is not always an Honorary Magistrate."

[Mr. Craik; His Honour the President; Raizada Bhagat Ram;
Diwan Bahadur Diwan Daulat Rai.]

The Hon'ble Mr. Craik :—

"In most cases he is. The object of the Hon'ble Member is sufficiently secured by the clause as it stands. An Honorary Magistrate is in no sense an officer of Government. He only exercises magisterial powers conferred on him by Government. But I can see no reason for delegation to some one who has no magisterial duties and to whom no other function or responsibility has been entrusted by Government. As I have already said, the point was fully discussed in the Select Committee, and only two members were in favour of it, while the other five opposed it. I see no reason why the opinion of the majority should not be accepted."

His Honour the President :—

"Does the Hon'ble Member withdraw the amendment?"

The Hon'ble Raizada Bhagat Ram :—

"YOUR HONOUR,—No, I press the amendment. The three reasons given by the Hon'ble Member are, first, that the power should not be in the hands of persons who will not be responsible to the Deputy Commissioner. I am sure, Your Honour, that in each district a number of persons could be found who could be trusted by the Deputy Commissioner—Such persons who would be able to perform those functions which may be delegated to them just as they could be performed by any Magistrate of the 1st class. My object in moving this amendment is this that in the Bill now before the Council we find that there are functions which are performed by Deputy Commissioners and the same functions are performed by a number of men of the village Panchayat. Now, for instance, Your Honour will see that under the exemption clause (6) the village Panchayat can exempt people. The Deputy Commissioner too can exempt. No doubt under the second clause when the exemptions are made by the village panchayat they are subject to confirmation by the Deputy Commissioner. This is an unusual clause giving power to the village people. Similarly, I submit, that it will be not out of place if powers are delegated on a person who is not an official, who could be relied upon by the Deputy Commissioner. The second reason which has been advanced by the Hon'ble Mover is that the person to whom powers may be delegated should be a Magistrate of the 1st class or exercising magisterial powers. That is, as a matter of fact, the foundation of my objection. People feel shy of all those who are exercising magisterial powers, and, as a matter of fact, we should encourage such a system by which those who do not exercise magisterial powers may be delegated the powers under section 8 by the Deputy Commissioner so that people can go to them as if they were going to a member of the Panchayat. Therefore I still press that this clause will do absolutely no harm because if the Deputy Commissioner finds that there is a suitable person in his own jurisdiction on whom powers may be delegated he might delegate them. If he finds that there is no suitable person in the district he may not delegate powers to him. All that my amendment means is this that the Deputy Commissioners will be empowered in special cases to choose a person to whom those powers may be delegated. Therefore I submit that this amendment be passed."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—

"I support this amendment, Your Honour, of course for the simple reason that the Deputy Commissioner when delegating these powers shall have also in view the fact that the non-official is one who can be relied upon, and there is no reason to make a preference in favour of officials to whom powers can be delegated. It is merely a matter of discretion, and as my friend has pointed out when the Deputy Commissioner finds that he has a very good man on whom he can rely, why should he not have the powers to delegate powers to him?"

[*Pandit Sheo Narain ; Sardar Bahadur Sardar Gajjan Singh ; His Honour the President.*]

The Hon'ble Pandit Sheo Narain : -

"YOUR HONOUR.—I beg to oppose the amendment. The very policy of the Act is changed, if this sort of delegation is to be made. Your Honour has heard as well as the Members of this Council that the object was to give sanction to a system of watch and ward and the introduction of the sanctioning authority was the only reason for the introduction of the legislation of this description. If the Deputy Commissioner were to delegate powers to anybody whom he thinks fit for it, the whole scheme of the Act will be changed. There is the power of delegation, but that power of delegation is limited and limited only to the Sub-Divisional Officer who must be an officer of the same rank as the Deputy Commissioner, but at least the person to be delegated should be a Magistrate of the 1st class. I certainly oppose this amendment. It appears to me to be against the principle we have in hand."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

"YOUR HONOUR.—I am in entire agreement with the views of the Hon'ble Pandit Sheo Narain. While sympathising with the object of the amendment in this particular case the officer to whom the power should be delegated should be in some way legally responsible to the Deputy Commissioner. If the power is delegated to the Sub-Divisional Officer he is responsible for the safety of his own *ilaqa*, similarly is the Magistrate of the 1st class. These Magistrates are subordinate to the Deputy Commissioner and they are responsible for the performance of their duties. Suppose a Deputy Commissioner fully believes that a non-official is capable of performing his duties, but for some reason he does not do so, then the whole object of the Bill will be frustrated and disastrous results might ensue. Therefore, it is absolutely necessary that these powers should be delegated to such officers who are responsible under the law to the Deputy Commissioner for their action. It was for that reason amongst others that the Select Committee thought after full consideration that the power should only be delegated to the officers mentioned in the clause. Therefore, Sir, I oppose the amendment."

His Honour the President :—

"I allowed this amendment to be moved without notice because I thought it would be just as well to know what are the reasons of the Select Committee with reference to this matter. I may say, however, that from the point of view of Government I quite agree with the views put forward by the Hon'ble Pandit that any such delegation would be absolutely opposed to the principle of Government. Government confers powers by law on officers, and in certain cases the Deputy Commissioners are authorised to delegate those powers to officers of responsibility, but Government does not allow Deputy Commissioner to transfer or delegate those powers to person who have no official status or legal responsibility. The exercise of powers and responsibility must go hand in hand. Therefore, however desirable it may be to extend the exercise of the powers such as is contemplated here, it would be impossible to transfer them or delegate them to persons who are not legally responsible. Even if we did accept the view of the amendment put forward by the Hon'ble Raizada Sahib I am absolutely certain that the Government of India would say that it is opposed to the recognised principles of administration by which certain powers are conferred on officers on the assumption that they will exercise those powers themselves or delegate them to others who are in a position of responsibility. Honorary Magistrates though not officials are so responsible, and that is why they are eligible for delegation of such powers, but the delegation of powers by the Deputy Commissioner to a person who is not an Honorary Magistrate will be against the recognised principles of administration, because such delegation does not carry with itself official responsibility. However desirable may be

[*Raizada Bhagat Ram ; Mr. Craik ; Rai Bahadur Chaudhri Lal Chand.*]

the object of the amendment, it would be impossible to accept it. If the Hon'ble Member wishes to press it to a division, I am quite willing to put it to the vote."

The Hon'ble Raizada Bhagat Ram.—

"I do not withdraw, Your Honour."

The amendment was put and lost.

The Hon'ble Mr. Craik—

"YOUR HONOUR,—I now move that the Bill as amended by the Select Committee and as amended by this Council be passed. It is hardly necessary to say anything except that the general approval which the Bill has received in this Council has been most gratifying both to myself and I hope to the other members of the Select Committee, and supports what is a favourite theory of mine, that when you have practical men sitting round a table with one common object, that is the benefit of the community, you generally find points of agreement. We have brought to a successful issue this measure which on its introduction appeared to have in it possibilities of acute controversy, and I think the members of the Select Committee are entitled to congratulate themselves on the result. Every member who has spoken has supported the Bill, and the only somewhat grudging assent was that given by the Hon'ble Member for the University. But the major part of his speech was a very ingenious but to my mind wholly unconvincing explanation of his inconsistent attitude at the last meeting. As, however, the Hon'ble Member has left the Chamber, I will not say anything more about that.

"One point made by the Hon'ble Sardar Bahadur Gajjan Singh seems to me to be based upon misconception. He mentioned that his objections to the Bill in its original form were based on the fear that it might lead to an excessive interference and possible oppression by the police. That is surely a mistaken view of the Bill in its first form, because there was no mention at all of the police in it. The police had no more to do with the Bill in its original form than it has to do with it in its present form. However, that is a matter of the past. Another observation the Hon'ble Member made was to the effect that *thikri-pahra* in dealing with armed dacoities was of no great use. Well, our experience in the Province as a whole does not bear this out. I think it is important and desirable that nothing should be said to minimise the real value of the *thikri-pahra* system. Wherever the present *thikri-pahra* system has been tried, it has had most valuable results, especially in the case of armed dacoities, possibly not in the Hon'ble Member's district, but certainly in the north-western Punjab.

"I do not think I have anything more to say, and I now formally move that the Bill as amended by the Select Committee and as amended by this Council be passed.

The Hon'ble Rai Bahadur Chaudhri Lal Chand :—

"YOUR HONOUR,—I rise to support the motion, but before doing so I wish to give an explanation. When the Bill was first introduced into this Council, I associated myself with my Hon'ble colleague the Hon'ble Sardar Bahadur Sardar Gajjan Singh in opposing the Bill. But the Hon'ble Members will remember if I remind them, that while opposing the Bill, I, on behalf of the villagers gave an assurance to the Hon'ble Member in charge that we villagers were always prepared to help the administration by resorting to *thikri-pahra* in times of emergency. Since then, however, the Bill has been very materially altered, and is now nothing more than an emergency measure, and hence the change in my position.

[*Rai Bahadur Chaudhri Lal Chand ; Sardar Bahadur Sardar Gajjan Singh ; Khawaja Yusuf Shah.*]

" As a member of the Select Committee I take this opportunity of thanking the Hon'ble Mr. Craik for his attitude in accepting the suggestions made by the opposition, hoping my other colleagues on the Sub-Committee also share my views.

The Hon'ble Mover has explained at length the changes effected by the Select Committee and the Bill now only serves to give us the first lessons in self-Government.

" The Lambardars have been deprived of most of their powers, and the Deputy Commissioner only decides about emergency and leaves the rest to the Panchayat. The fine never goes to the *Sirkar* and the Bill is a fairly healthy measure.

" Its practical side was very ably described to me by a villager the other day who was on patrol duty in Rohtak District. Having been asked whether they liked it or not, he said ' we have to like it as this is the lesser evil of the two.' What the bigger evil was I asked, and he at once named to the mighty police. He said ' supposing there is a dacoity on our area, the result will be that the Police Sub-Inspector will come to our village with his retinue of trackers, respectable men from neighbouring villages and a number of constables. They will all sit *dharna* in the village and put the village into heavy expenses. They would never leave the village until they receive report of a serious theft or burglary in another village of the *Ilaga* where the Sub-Inspector could take all his force with him.' It is not for me to say how much truth there is in this, and I leave it for consideration of the Hon'ble members themselves. I myself think that it is better to go on patrol duty and prevent dacoities than run the risk of being harassed by the Police after one is committed. We are legislating men in the present age and must take facts as they are. The villagers will be better off with these Panchayats to control their watch and ward than if they were given additional police. With these remarks I now support the motion that the Bill be passed into law."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

" YOUR HONOUR,— Only one word more. The Hon'ble Mr. Craik has pointed out that in so far as my opposition was based upon police having been concerned in the Act, I was under a misconception. I think I must confess that as far as the Bill is concerned the police has nothing to do with it, but, as a matter of fact, I was quite unable to forget from my mind the daily practices of the police. The present *thikri-pahra* is of course under the police, and as the lambardars are entirely under the thumb of the police, under the Bill in its original form the system would have been under them. Of course it is now useless for me to take the time of the Hon'ble Members of the Council to mention the abuses which from time to time have been practised by the police in connection with the *thikri-pahra*, the people themselves being harassed by them. That scene of course I could not forget when I opposed the Bill. Of course the police have now nothing to do with the *thikri-pahra* under the present Bill and I therefore support the motion."

The Hon'ble Khawaja Yusuf Shah :—

" YOUR HONOUR,— There is one point I should bring to Your Honour's attention. My experience has been of quite a different sphere, e.g., in Amritsar. The police have been helping the people materially. They are always too glad to give assistance because they think that it is a responsibility which has fallen on their shoulders. They instead of harassing the villagers have been gladly helping them. It is a most inequitable view to take that wherever the police appear they harassed the people.

" There must be certain exceptions, but generally speaking the police are doing their level best. There are some people who are bad, but in every class of service you will find such people. I therefore support the Bill.

[*Mr. Thompson ; Diwan Bahadur Diwan Daulat Rai ; Mr. Craik.*]

The Hon'ble Mr. Thompson :—

" We have been reminded, Sir, in the course of this debate that the resolution of the Hon'ble Lala Kanshi Ram which has resulted in the introduction of this Bill contained two parts. In the first part the Hon'ble Member advised the introduction of the system of *thikri-pahra*. In the second he asked for more liberal distribution of arms to villagers in order to enable them to defend themselves, and if I am not mistaken a suggestion has been made that Government has taken action on the first part of the resolution and has taken no notice of the second. In other words, it has imposed burdens without extending privileges.

" This suggestion, if it was really intended, is not in accordance with facts. In the districts which have been peculiarly exposed to raids and dacoities within the last few years the number of licenses for arms has been very largely increased under the direct instructions of Government, and in certain districts, such as Mianwali, I believe that there are at present in the possession of villagers something like double the number of arms that there were a few years ago."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—

" YOUR HONOUR,—I may be permitted to bring one small matter before the Council. I brought it to the notice of the Hon'ble Member in charge yesterday. I have got the Hon'ble Member's authority to submit that he will not oppose my proposing the amendment which I beg to move now. In clause 2 the village Panchayat is defined. After the words '*as the Deputy Commissioner may appoint on report of the Zaildar*' I suggested the addition of the words '*or any other person deputed by the Deputy Commissioner.*' Zaildar should not be the only person on whose report action should be taken. I may mention, Your Honour, that the Hon'ble Mover was interested in this suggestion."

The Hon'ble Mr. Craik :—

" I was going to announce that I was prepared to accept this on the first amendment on the paper, but the Hon'ble Rai Bahadur Ram Sarn Das withdrew it. I think this amendment might be put to the Council. The precise amendment would be :—

" . . . as the Deputy Commissioner may appoint on the report made after consulting the village community concerned by the Zaildar or any other person deputed for the purpose by the Deputy Commissioner.' It might be a convenience to have some agency other than the Zaildar. For instance, it would be useful to have this provision in case the Zaildar is absent on duty from his circle at the time the Deputy Commissioner requires the report."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—

" Would it not be an improvement, Sir, if we said in the proviso to this definition '*provided that the number of persons so appointed.*' Then the clause will run '*. . . such other persons as the Deputy Commissioner may appoint on the report made after consulting the village community concerned by the Zaildar or any other person deputed for the purpose by the Deputy Commissioner provided that the number of persons so appointed . . .*'"

The motion was put and agreed to.

The motion that the Bill as amended by the Select Committee and as amended by the Council be passed was put and carried.

[*Mr. Thompson ; Sardar Bahadur Sardar Gajjan Singh.*]

THE PUNJAB COURTS BILL.

The Hon'ble Mr. Thompson :—

“ With Your Honour's permission I wish to propose a motion in order to supply a small omission in the motion moved yesterday referring the Punjab Courts Act Amendment and Validation Bill to a Select Committee. In my speech introducing the Bill I said that it was my intention that the Select Committee should be instructed to present their report in time to enable the Bill to be passed into law before the close of the present session. These instructions were not mentioned in the motion which was made referring the Bill to the Select Committee. Under rule 11 at page 73 of the Council Manual unless the Select Committee receives special instructions they cannot present their report until after the close of two months after the publication of the Bill in the Gazette.

“ I therefore propose that the Select Committee be instructed to present their report to this Council on Friday, April 26th.”

The motion was put and agreed to.

BUDGET, 1918-19 — CONTINUED.

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—

“ YOUR HONOUR,—We are passing through very critical times. The unrighteous enemy has staked everything to achieve victory in the Western front. In the unscrupulous way the Central Powers are wasting their men and materials, it seems possible that our gallant armies may have to yield some little ground to the savage hordes. But I am confident that the enemy will soon find to his surprise that the Allies line, though bending here and there, is unbreakable; and that our defences, though shifted back, are impregnable. This, Your Honour, will be due to the unprecedented bravery, courage and heroism of our soldiers in France and Flanders. Our thoughts and prayers go to them in their great ordeal, and we are sure that, in the long run, they will come out victorious, because their cause is just and righteous, and it is impossible to believe that Akal Purakh will forsake those who are right and just.

“ Your Honour, India too is 'doing its bit.' England has generously recognised her services in the cause of the Empire. There is no field of battle where the blood and bones of our men do not lie buried and stand as an imperishable monument to the spirit of Indian heroes. It was only yesterday that the Premier of England paid a generous tribute to the great work of the King's Indian Army. If the British banner is flying over the town and cities of Mesopotamia, if Egypt has been freed from all evil influence, if Arabia is now a country of the free people, it is due to the valour and sacrifice of the sons of India.

“ But when I speak of the work of the Indian Army, I naturally think of the services of this Province. Our so-called benighted Punjab, with its small population and small area, has literally laid itself at the feet of the Emperor to do everything in its power. Whatever other people may say, it is an incontrovertible fact that before the military efforts of this Province, the work of the other provinces is not very significant.

“ Your Honour, we occupy this position of credit and pride due as much to the inherent spirit of loyalty and service of the Punjabi as to the indefatigable labours and deep sympathetic attitude of your Government. When the time comes to write a history of the share of the Punjab in this war, I am sure the name of Your Honour and Your Honour's honest and earnest lieutenants shall find the most conspicuous place in its pages.

[*Sardar Bahadur Sardar Gajjan Singh,*]

" But the times, as I have already said, are very critical ; so critical as there were never before. We cannot rest on our past laurels ; and I, on behalf of the Sikh community, assure Your Honour that we are prepared to make every sacrifice to win this war. We regard British Government as our own Government, and this war our own war ; and we are ready to fight to the last man to defeat the enemy. There are about five lakhs Sikhs of military age in the Punjab and other provinces ; about a lakh and quarter of them are already in the armies of the King-Emperor showing a proportion of about one in four in the male population of military age.

" It is with a legitimate and pardonable pride that I quote these figures and remind the Government that my community from Prince to peasant has stood as one man by the Government at this critical period of our history. Only recently almost all the Sikh Princes have in response to the call of the Premier offered to double their contributions in man-power to the military resources of the Empire, and it was quite in the fitness of things that His Highness the Maharaja of Patiala, who is the recognised Jathedar of the Panth and who has already supplied for active service more men than any other Ruling Chief throughout India should take the lead in this response, and that their Highnesses the Maharajas of Jind, Kapurthala and Faridkot should follow that lead immediately as reported in to-day's *Civil and Military Gazette*. I emphatically declare on the floor of this Council that the entire Sikh nation, as recently resolved by them, assembled in their thousands in Educational Conference at Gujranwala are determined to fight to the last man in defence of the British Empire. We are a people who talk less but do more. I have only to urge on Your Honour that our silence may in no way be misinterpreted. We are more men of action than of words and I am sure our actions will speak where our words may fail.

" Your Honour, the Sikhs have done so much and will do more, but I must add here that they were sorely disappointed at the absence of Sikhs in the awards of regular King's Commissions in the Army which were announced last year.

" I will restrict my budget remarks to my own community only ; because other classes have their qualified representatives in this Council to plead their cause.

" It is now an open secret that a new constitution is under consideration for these Councils. Whatever reforms are thought necessary by the responsible authorities, I hope your Government will see that, in the best interests of the Empire, the Sikhs who are mainly inhabitants of rural areas will receive proper and adequate representation in the Councils of the Government. I am not asking much, when I say that the Punjab peasants should have at least one representative from every district.

" Facilities for education, sanitation and share in the Government services are generally provided for the population in urban areas. Hospitals, schools, police, all these things are mainly at the disposal of those who live in large towns. I do not grudge my fortunate brethren any of these things. But what I wish to impress upon Your Honour's Government is this that those who enlist themselves in the defence of the Empire, that those who though poor are prepared to shoulder the burdens of their country in the matter of supplying men and money, also deserve to be treated on equal footing with their more fortunate brothers. I was surprised to read from the papers, a few days back, that in Madras and Bengal they have created more facilities for the education and training in Local Self-Government of the rural areas than in this Province. I hope, Your Honour's Government will soon take steps to equip Punjab Villages with Panchayats, free schools, itinerary hospitals, and libraries, and other necessary demands of a civilized life.

[*Sardar Bahadur Sardar Gajjan Singh.*]

"It is gratifying to learn that Your Honour's Government is now engaged in considering a scheme for free and compulsory education of the masses, for which a Bill has just been introduced in this Council. But while your Government is so engaged I wish to sound a note of warning that no education of the masses will be of use or successful unless the same is imparted in the mother language of the child. The Sikhs are apprehensive that with the introduction of compulsory education among the masses, if provided for on the lines and through the medium which now prevail, a serious death blow will be given to the real provincial vernacular. This result will be disastrous to the interests of the Punjabis as a whole and most distasteful to the Sikhs.

"It will not be out of place here to ask Government to devote its immediate attention to the question of village militia and boy scouts. In these times when old treaties are regarded as nothing more than scraps of paper, it is necessary that defensive arrangements of this country be placed on large and broad foundations; and to attain this object Government cannot do better than to take up these two questions in right earnest, with full confidence and trust in the people and broad sympathy with their aspirations.

"The other question of importance which I wish to bring to Your Honour's notice is the agricultural condition of this Province. The extensive irrigation schemes of the Punjab are of a nature that the Punjab Government can really feel proud of them. I may be allowed to say that if our Government is justly proud of their achievements in this direction, the people are not less grateful. The contributions to war loans, the supply of men to the army, the ungrudging payment of land revenue even in hard times, all go as an eloquent testimony of their gratitude to the British *Raj*.

"But agriculture in the Punjab has still greater prospects before it. Scientific agriculture is yet almost unknown in this Province. Owing to illiteracy and ignorance crude and wasteful means are yet employed in the cultivation of land. Use of improved ploughs and other agricultural machinery is almost unknown; same is the case with manuring. We are often surprised to read that in Europe and America, farmers sometimes produce as much as ten times the produce of land in India. Much of their progress is due to the work of the Agricultural Departments and to the agricultural education of the peasants. Punjab Government, when their hands are free from immediate engagements, should launch an extensive agricultural programme in this direction. Present arrangements are inadequate to solve the great problem. Government should not feel satisfied unless every peasant in the Punjab is provided with facilities for the use of most suitable machinery and manure for his lands and the most fruitful of seeds for his harvest. Model farms, supply of machinery on hire-purchase system, active encouragement of co-operative societies for the purchase of seeds and manures and for the proper sale of the produce, Agricultural advisers and Agricultural education of the masses, are necessities which Government should pay their best attention to liberally provide. While dealing with agricultural matters I wish to associate myself fully with the remarks made by the Hon'ble Chaudhri Lal Chand Rai Bahadur regarding the reservation of all available land for grants to soldiers who are now fighting our battles and defending our homes on the battle-fields of the world. It will not do to fritter away the available area by sales to civil population while our brothers, who deserve better are in the field. Your Honour, I shall be failing in my duty to the public if I do not express the deep feelings of gratitude of the people to Your Honour for the active propaganda of suppression of bribery and crime initiated by Your Honour. Corrupt officials are not only a disgrace to themselves and a curse to the people, but also a grave danger to the Government itself: because people cannot distinguish between Government

[Sardar Bahadur Sardar Gajjan Singh : Sayad Makhdum Rajan Shah.]

and its personnel. If one official bears bad reputation, he brings the whole Government to discredit. So Your Honour's efforts in rooting out bribery from the Punjab are welcome in every way, and Your Honour has the best support of the people in this campaign.

"Before concluding my remarks I beg to refer in brief to the special needs of my community. Your Honour is aware that our share in all branches of the civil administration and local and municipal boards is very inadequate. We are grateful to know that Your Honour is taking steps to remove this grievance, but unless and until some definite instructions are issued to all Heads of Departments, the net result of Your Honour's good efforts can not be achieved. Is it not surprising that the Honourable Judges of the Chief Court have not been able to send up to Government the name of a single Sikh for appointment as an Extra Assistant Commissioner for the last thirty years, the last Sikh sent up by them being Bhai Charat Singh, who has already retired. Similarly in Educational Department we have very few men in all its branches, and absolutely no Assistant Inspector. I would be failing in my duty to my community if I did not voice their real feelings on this subject and I would strongly urge that at least in Sikh Districts there should be Sikh District Inspectors of Schools, with an adequate number of Sikh Assistant Inspectors and Inspectors. Similarly in Judicial Service, Law Department and others our representation should be increased, and I can assure Your Honour that any definite steps taken in this direction will go a long way to reassure the community and provide a fresh stimulus to their efforts to serve the Government.

"In the end I beg to express the grateful thanks of the Sikh community to His Excellency the Viceroy for having extended the term of office of Your Honour. If this Province has done so well in the past, if this Province has to do so much more in the future, not a mean credit is due or will be due to Your Honour for this. At the present juncture interests of the Empire demand that this Province should be under the guidance and rule of a great administrator and far-sighted statesman. We are grateful that we find one in Your Honour."

The Hon'ble Sayad Makhdum Rajan Shah spoke in Urdu, a translation of which is as follows :—

"YOUR HONOUR, — As the time allowed for each member to speak and discuss on the observations of the budget is only 15 minutes, so in view of this my humble opinion is that the best way for an Hon'ble Member should be to choose only one subject in which he is well interested and restrict his speech on the very subject. Keeping this principle in view I wish to restrict my speech on only one subject. That subject is such as it does not seem to have ever received the attention of this Council. So in regard to it I hope the Hon'ble Finance Member after hearing my views attentively will announce the Government policy, so that the thousands of Hindu and Muslim public whom I represent should know the Government policy about it. No one can know better than Your Honour that, while ruling over the Eastern country it is the foremost duty of the Government to keep in view the feelings and ideas of its inhabitants. And there can be no better way for popularising a Government of the East among its inhabitants than to help their religious leaders and respect them and give financial Government aids at a liberal scale for the improvement of their religious places. This is why the Muhammadan and Sikh Governments who ruled in the Punjab, considered it their bounden duty to fix large amounts of grants from the Imperial Funds and bestow jagirs for the religious places like mosques, khankahs, temples and shiwalas, etc. They also observed the grant of pensions and jagirs to religious leaders of each and every sect as a legal and necessary State expenditure. Such jagirs were in

[*Sayad Makhdum Rajon Shah ; Rai Bahadur Ram Saran Das.*]

abundant in the beginning of the British Raj, but subsequently their number fell down a good deal which is regretted. Those jagirs were not only beneficial to free the religious leaders from the anxiety of livelihood, but by them these leaders could save a good deal of time to give religious and moral instruction to the public. Moreover good many schools, makhtabs and pathshalas were maintained at those religious places, which freed the Government to some extent from imparting education to their subjects, and by this the pupils cherished everlasting feelings of gratitude and loyalty to Government even from their childhood. It only rests with the Government to decide whether any sort of provision should be made in the current budget to renew this old system or not. But I will be extremely sorry if my this request is set aside only on this ground that the Government money is meant for expenses of non-religious nature and no other department can demand from Government funds, for religious expenses, because we see that Government incurs thousands of rupees annually towards Church Service. If such an aid is not against the principle of the Government, there is no reason why the question of aid to Muhammadan and Hindu religious institutions from Provincial Funds should be objected on this ground that the religious expenditure is not a legitimate charge on Provincial Funds.

"As the Education in force now-a-days soothes the minds of the educated gentlemen of the new light by giving aids to the National Schools and Colleges, so will be the case with the old fashioned and religious Hindus and Muhammadans by granting aid to these religious institutions, who consider loyalty to Government as a part of their religion. It is evident that there is a great number of old fashioned religious men in the population of this country and these are the very persons from among whom the Government got lakhs of hands for Military services. Although Hindu and Muhammadan religious leaders did not express their services in this behalf in showy manners as is the habit, yet it is not secret to Government that they left no stone unturned in their efforts to fulfil this duty. The keeping and maintaining of such a useful sect and institutions is most essential for the stability of the Government; and if the Hon'ble Finance Member could announce in this Council meeting that the Government will try to provide for expenditure under this head, it will be a sort of great pleasure for the Hindus and Muhammadans of the Punjab."

The Hon'ble Rai Bahadur Ram Saran Das:—

"YOUR HONOUR,—Yet another year of your beneficent administration has passed, and we hope to enjoy still one year more of Your Honour's strong and sympathetic rule. Your Honour, when it was announced that your term of office as our Governor was extended by one year more, the heart of every Punjabi was thrilled with joy. It was only Your Honour's strong hand that has kept Punjab immune from any disturbance or disorder. Our Province is a border province and here inflammable material is quite near at hand and for the way in which you have steered this Province clear of all troubles the best thanks of the people are due to Your Honour. England is at present engaged in defending and protecting the liberties of the world. We Punjabis are proud to say that under Your Honour's leadership the Punjab has taken a very important part in this war of emancipation. From times immemorial, Punjab by its geographical position has possessed the privilege of being defender of India. But in modern times, Your Honour, we have extended our sphere of activities and now it is our ambition to become defender of the great and world-wide British Commonwealth. The eail of the Premier to India is quite in the fitness of things. The Punjab, Your Honour, is prepared to make any sacrifice for the defence of the Empire. The Punjab has among Indian provinces, and if I mistake not, even among overseas colonies contributed the largest amount of man-power. Barring the presidency towns of Calcutta and Bombay wo

[*Rai Bahadur Ram Saran Das.*]

also occupy a leading position in subscribing to the different war loans. The Premier asks us to redouble our efforts in the defence of the Empire. We are prepared to dedicate ourselves to the service of the Empire, and to put our man-power, our resources and our energies at the disposal of the Government to a much greater extent.

"Coming towards our financial affairs, Your Honour, I find our provincial balances have now again become very large. In 1914-15 they were a little more than 40 lakhs: to-day they are almost two crores. In 1916-17 the budget figures for the closing balance were Rs. 55,41,000. Actually they turned out to be Rs. 1,22,75,000—a difference of Rs. 67,34,000, *i.e.*, the actual figures were higher by 122 per cent. Again take the case of 1917-18. For this year the budget figures for the closing balance were Rs. 1,05,09,000. Revised figures for these balances are Rs. 1,89,78,000, *i.e.*, higher by Rs. 84,69,000. The actual figures, I suspect, will be higher still. This shows that during the last two years the actual figures for these balances have exceeded very much even the budgetted figures. Your Honour, this piling up of huge balances is in my humble opinion, not a correct procedure. The way in which these balances are estimated by the Finance Department is also, I beg to submit, not correct. In order to obtain a true financial picture of the Province, I think, we require a little more correct estimating. Your Honour, from an examination of the different heads of receipts and expenditure figures, I find that generally speaking the income heads of the budget are usually under-estimated, while expenditure heads are always over-estimated. The combined effect of this peculiar system is that at the end of every year, there is, at least for the public, a surprise in the shape of a huge surplus. When the budget proposals of the Government are laid before the Council, we are led to believe that there is very little spare money to be spent on the extension of education, encouragement of industries, improvement of agriculture, greater provision of medical relief and for other similar objects for the general betterment of society. Consequently in order not to embarrass Government we do not press for much larger expenditure on popular objects. Your Honour, I hope there will in future be a more correct estimating.

"In the last Council meeting I moved a resolution for the grant of more money for district boards. Your Honour's Government was kind enough to allot Rs. 2,00,000 for metalled roads maintained by these local bodies. I am very thankful for this to Your Honour's Government. But, Your Honour, one thing I am not able to understand in the recent memorandum issued by the Finance Member. He states therein that Rs. 2,00,000 has been added under '45—Civil Works' for distribution to district boards for the maintenance of metalled roads. But in his speech on my resolution he said: 'It is against our general policy to give as a grant-in-aid, earmarked for special purposes as the Hon'ble Member now suggests In the memorandum this is exactly what has been done. I am very grateful for the departure from the general policy made by Government in order to accept my recommendation. But this they could have done by putting this sum under head '32—Contribution.' By this means they would have also avoided a departure from their policy. I hope next year this additional sum of Rs. 2,00,000 would be added permanently to the consolidated fixed grants for district boards and included under head '32—Contribution': for such was the intention of my resolution.

"Your Honour, there is another point that I would like to touch in connection with our financial system. In some previous meeting of the Council, I suggested that detailed estimates of the Provincial Government should be supplied to non-official members. Your Honour, such estimates are supplied to non-official members in other Provinces, and for such estimates

[*Rai Bahadur Ram Saran Das.*]

that I have received regarding our Province through the courtesy of the Finance Member, I find they are very helpful in explaining to us laymen the intricacies of Government finance. I would therefore approach Your Honour with a request that such estimates should be supplied. If this is done, I am sure we could prove more useful to the Government in the Finance Committee as well as outside it. I hope the trifling cost for supplying this will not stand in the way of Your Honour's granting my request.

" Allied with this question of budget framing is the system of budget discussions in our Councils. Your Honour, the Hon'ble Mr. Lowndes in the Imperial Council describes it by the name of hare-hunt discussion. To some extent this description is correct. But, Your Honour, for this the non-official members are not to blame. This discussion, at present, takes place at a stage when further modification in the budget is impossible. Whatever we say, can, if ever, only affect the next year's budget. Our discussion therefore, naturally, become discursive. But this hare-hunt discussion to my mind has at least one advantage, and that consists in supplying us with an opportunity of discussing every administrative problem. This is a valuable privilege possessed by non-officials and I submit this privilege should not be taken away from them. I would therefore suggest that one day in the year on which we non-officials could survey generally the whole administration during the year should still be continued. But, Your Honour, in addition to this, we also desire to have a real budget discussion, a discussion likely to modify Government budget proposals for the year. This can only be done if on the introduction of financial statement non-officials be allowed to criticise generally the principles of the entire budget proposals at a date previous to that fixed for moving resolutions on the financial statement. By this means the Government can modify to some extent their proposals in the light of criticisms, and can then leave it to be modified by financial resolutions of the Council. The so-called hare-hunt discussion should in my opinion be continued and kept at the end of the session as at present. I would therefore beg to suggest the introduction of one more Council meeting for real budget discussion which should be fixed before the one called for moving financial resolutions.

" Coming towards the individual departments, I observe that the same old four lakhs of rupees has been provided for sanitation during this year, presumably on the plea that the department can not spend even this much. Your Honour, I submit it is the rules of Sanitary Board that stand in the way of larger expenditure. No doubt, all the schemes that reach Sanitary Board receive some aid and are not given up for want of funds: but, Your Honour, the rules prevent the schemes to be sent up at all. Very often, on account of the rules, the Commissioner is unable to forward the proposals of the local bodies under him. It is therefore necessary that these rules should be modified. In the initial stages when ignorant and illiterate people do not understand the utility of sanitary reforms, the Government representing the interests of the people, should create a taste among them for sanitary reforms. For this purpose the Government needs to spend to a much larger extent, and very often to the full extent of the cost of sanitary schemes, in the beginning. Your Honour knows fully what was the state of education in the Punjab in the earlier years of British rule. It is in the recollection of many men that in the fifties and sixties of the last century almost the entire cost of education was borne by Government. The same ought to be done in the case of sanitation in the initial stages. When the people have begun to appreciate the value of sanitation, the Government can then gradually withdraw, and leave it to be financed by non-official agencies. Your Honour, I hope, it is not too late even now to ask

[Rai Bahadur Ram Saran Das.]

you to provide more money for sanitation during this year. Filling up of depressions, construction of parapets for wells, and rural drainage schemes are enough to absorb millions of rupees. Your Honour, I do not think that money allotted for sanitation will remain unspent if once the Government makes up its mind to open its purse strings and grant more money for preventing disease in the land.

" Coming towards medical relief, Your Honour, I find that the cost of medical assistance in the Albert Victor Hospital, Lahore, has become very excessive. Originally in this hospital, if I mistake not, Rs. 3 were charged from Government servants and Rs. 5 from others in case they became in-door patients. Professional fees, operation charges, lighting and fuel expenses, etc., were all included in this amount. But from some years past the in-door patients other than Government servants are asked to pay additional fees for surgeons or physicians. The result has been that these new rules have made it very hard for middle classes and for *sufedposhes* in straitened circumstances to derive any benefit from this hospital. Your Honour, when this hospital was founded I understand such was not the idea, and the medical men who are paid by the Government to serve in this hospital are, I presume, not entitled to charge any additional fees from this class of in-door patients. It must be remembered that this Albert Victor Hospital was liberally subscribed for mostly by people other than Government servants, and it was founded mainly for the benefit of middle classes. Why the original idea has been departed from it is difficult to understand. Your Honour, people should have as many facilities for obtaining medical assistance as possible. In this connection I would also recommend that for the relief of the suffering and the diseased Government Hospitals and dispensaries unaided by local bodies should be established in every district. For lack of medical treatment it is well known there is heavy mortality in the Province. I hope, a sympathetic ruler like Your Honour will take necessary action in this matter and bring about a change in the present rules regarding charge of fees in the Albert Victor Hospital, and will bring about an increase in the number of Government hospitals and dispensaries throughout the Province. Your Honour, this year heavy plague mortalities have taken place in Multan, Ludhiana, and other places. In my humble opinion a Special Commission should be appointed to enquire into the causes of these extraordinarily heavy mortality figures on account of plague.

" On the subject of popular education, I would, with Your Honour's permission, like to say a few words in this connection I would request Government to kindly tell us what is their programme for the extension of primary education. I would beg to ask, for instance, what are the number of years that they mean to take for bringing the whole of the school-going population into school. This year one lakh of rupees has been provided for the extension of Primary education. This means 500 schools roughly, if the local boards continue to contribute one-third of the cost of these schools. But this is doubtful, if we take into consideration the inelastic nature of the resources possessed by local bodies. This sum of one lakh of rupees would provide for approximately 20,000 or 25,000 scholars. If the Government continues to allot every year one lakh of rupees more than what it did in the previous year, then it would take 40 or 50 years to bring in a million scholars more in school. At this rate it will take more than 100 years to bring the whole school-going population in school. In my humble opinion people will not be satisfied with this slow rate of progress. In order to banish illiteracy and ignorance from the land, the Government should therefore provide more money and to a much larger extent.

[*Rai Bahadur Ram Saran Das ; Khan Sahib Mirza Muhammad Ikram Ullah Khan.*]

" Your Honour, I am glad to observe Agricultural Department in this Province is doing very good work. It is hoped that with the help of special Government of India assignment out of wheat profits great reforms in agricultural industries will be initiated. Our veterinary hospitals should be increased, and model agricultural forms opened and expanded. Allied with the question of agricultural improvement is the question of preserving and increasing agricultural cattle grazing and pasture lands which are now so kindly reserved by Government are not sufficient. Ten per cent. of cultural land I submit is too little. I hope the Government will kindly reconsider this question and increase the area of grazing lands.

" Under Your Honour's administration the criminal tribes of the Province have begun to be more efficiently controlled and reclaimed and I am sure from the point of view of these tribes also they are in a much better state of prosperity. For these reforms Your Honour's *regime* will ever be remembered. The best thanks of the peoples are also due to the Government for the efforts they are making to keep the trade of the Punjab going and in trying to solve the difficulties of railways rolling stock and other means of transport, specially in these war times. Your Honour, now that the Terminal Tax Bill has become law, I hope octroi on merchandise wherever existing will be abolished. For it clearly hinders and hampers trade."

The Hon'ble Khan Sahib Mirza Muhammad Ikram Ullah Khan :—

" YOUR HONOUR,—I have the pleasure in joining my Hon'ble colleagues in the expression of hearty congratulations to the Hon'ble the Finance Member for presenting a satisfactory budget to the Council. Although I personally wish that provisions for Education and Sanitation should have been more liberally made, but taking into consideration the circumstances of the great war the budget cannot be subjected to any severe criticism.

" Your Honour, this is the time when the Hon'ble Members are given the liberty of indulging in speeches on different topics of general interest and I do not feel justified to restrain myself from taking advantage of the same and conveying to Your Honour the ideas of myself and my constituency of what has been accomplished during the year and what are our wants and aspirations still to be considered with sympathy at your hands.

" The Punjabis, in this unparalleled and the greatest struggle ever recorded in history, have preserved their tradition of being one of the strongest and stoutest races in the world, and we are justly proud for our Province being called the Sword-hand of the British Empire. We are proud of our stalwart and Bahadur soldiers laying their lives at the Altar of duty in the service of their King and country and we are proud as well of the glorious victories they have made over the enemy and achieved laurels for the name of their mother-country. In addition to the sacrifices which the people of this Province have already made, this year they have been most forward in the matter of recruiting and it is no small pleasure to me that the number of recruits who have recently come forward from this Province has been most satisfactory.

" Your Honour, the noteworthy event of the year which is no less important, has been the throwing open of the doors of King's Commission in the Army for Indians, nine of whom were at once granted the commission and, although nothing more has since been heard, the people hope that the doors will be opened as widely as possible, and the Punjab Province will before long enjoy the privilege greater than the other provinces, compatible with the sacrifices made during the great war.

[*Khan Sahib Mirza Muhammad Ikram Ullah Khan.*]

"The most popular boon, in my opinion, that Your Honour has bestowed upon the urban population of the Province in this year has been the grant of ballot to the municipalities. Now, in the words of Douglas Jerrold, the butchers' daughters will go unkissed, for how can you know how Mr. Chops will vote. Now the candidates will not go like licensed hawkers from door to door, humbly begging that they may make known the contents of their packs of principles, and be therefore honoured with patronage. By giving us ballot you have given the death blow to a corruption that too often, through whole municipalities, walked the streets, poisoning even the sanctity of sacred places. Chances of party feelings will be minimized and the system will tend to create a healthy contest in the election.

"The other boon for which the poor will long remember your good name, is the abolishing of bridge tolls. Commencing with the new Ravi bridge at Lahore the free use of bridges will soon be extended throughout the Province and although it is a matter of no importance for the well to do but I have personally seen the poor begging for a trifling pice to enable them to cross the rivers. I think I may make a mention that wheeled traffic can now run through without hindrance from Calcutta to Peshawar with the solitary block at Wazirabad, where the Military roadway over the Alexandra bridge and the boat bridge over the Pulkhoo are of no use either for the public or for the military heavy traffic to pass through. The removal of this dead block is quite necessary both from the military point of view and for the public facility.

"The other matters of public benefit, which need consideration at the hands of your Government, are too numerous to detail but a few of them are most important such as education. The backward and defective state of education in this Province, and specially in the rural areas, speaks for itself and the sooner this complaint is removed the better. The complaint is a long standing one and much debated upon and although personally I am sure that were it entirely in your hands Your Honour would educate the whole country in one day but keeping in view the difficulties standing in your way the people appreciate the measure that has just been forged and placed on the legislative anvil but they are of opinion that it would have been doubly welcome had it not been made dependent on the option of local bodies, which, constituted as they are at present, are likely to take a long time to bring the measure into force throughout the Province. Personally it is a matter of satisfaction for me that my request made on this subject in my speech last year has soon been granted in the shape of the Compulsory Education Bill which is the greatest desideratum in the country.

"The other most important, next to education, is the question of sanitation, and the progress in this respect is admittedly very slow. With the malaria and the cursed plague taking annually a heavy toll of valuable life it is the clear duty of the Government to move a little more forward in financing the sanitary schemes more liberally and in organising the peoples' co-operation in the shape of sanitary conferences or sanitary committees in all the urban and rural areas. While sanitary committees meeting monthly and going round the railway colonies at different stations recording and remedying the defects have proved a great success there is no reason why a similar method can not be adopted generally in towns and villages. Such committees should be independent of the existing municipal committees and district boards and their records of inspection should be scrutinised by some executive authority and their remedies ordered to be made by the municipal committees and the district boards as the case may be. This is practically an inexpensive scheme which I have suggested and can with much advantage be tried in small municipalities to begin with.

[*Khan Sahib Mirza Muhammad Ikram Ullah Khan.*]

"I now close with a strong hope that under Your Honour's popular rule the Premier's recent call will be responded to by the people with their whole heart and with all the available resources in the country. But before I sit down I have to say a few words in praise of the Agricultural College at Lyallpur, where we were invited by the Hon'ble Mr. Townsend. I wish I had words and time enough to describe in detail what we saw. The College is well equipped and in a flourishing condition. The keen interest taken in the College by my Hon'ble friend is sure to make it very popular."

ADJOURNMENT.

The Council adjourned to Friday, the 26th April 1918, at 10-30 A.M.

LAHORE:

The 1st May 1918.

S. W. GRACEY,

Secretary, Legislative Council, Punjab.

Insert the following on page 388 of the Punjab Legislative Council Proceedings, dated the 20th November 1918, between the speeches of the Hon'ble Rai Bahadur Pandit Sheo Narain and the Hon'ble Rai Bahadur Bakshi Sohan Lal :—

The Hon'ble Pandit Jawahar Lal, Bhargava.—“ Your Honour,—It is a great privilege and pleasure to have one's name associated with the resolution which has been moved by Your Honour on this occasion of superb beatitude when the Almighty Father in His Infinite wisdom and unerring Dispensation has blessed with victory the ever-victorious arms raised in vindication of Truth and Righteousness against brute force, aggression and tyranny.

“ This war is a verification of the truism ' Righteousness exalteth a nation, Unrighteousness debaseth it ' and (where there is Righteousness, there is victory), for do we not find that whereas our Emperor George V rejoices with his people and thanks God for victory from the balcony of the Buckingham Palace, the crowns of the enemy kings go to the melting pot, the Emperor Karl flees throneless floundering in ignominy, and the Kaiser, the personification of aggression and militarism, finds no refuge in his Empire.

“ The Punjab feels inebriated with joy, and the heart of the people of the Punjab throbs with ecstasy at the complete overthrow of the enemies and the final triumph of the arms of His Majesty and those of His gallant Allies. The Punjab is proud of its substantial contribution to the achievement to victory under Your Honour's leadership, to use the words of His Excellency the Viceroy which he used in his message, dated 13th November 1918, in reply to Your Honour's message of congratulations, dated 12th November 1918. The resolution moved by Your Honour gives expression to the true sentiments and feelings of the Members of this Council and the people of the Punjab. With these words I lend my whole-hearted support to the resolution.”

Make the following corrections in the Proceedings of the 20th November 1918 :—

On page 429.—*In line 25 insert the word “ one ” between the words “ leave ” and “ unimpressed,” and in line 51 insert the word “ not ” between the words “ do ” and “ come. ”*

On page 430.—*In line one alter the word “ conservating ” into “ conservative. ”*

On page 433.—*In line 15 alter the word “ if ” into “ of ” between the words “ sense ” and “ discipline. ”*

On page 443.—*In line 8 insert the word “ have ” after the word “ Punjabis, ”*

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 Government of India Act, 1915.

THE Council met at Government House, Lahore, at 10-30 A.M., on Friday, the 26th April 1918.

PRESENT :

- His Honour Sir MICHAEL FRANCIS O'DWYER, G.C.I.E., K.C.S.I., J.C.S. Lieutenant-Governor, *Presiding*.
- The Hon'ble Mr. JOHN PERRONET THOMPSON, I.C.S.
- The Hon'ble Mr. JAMES ALEXANDER RICHEY.
- The Hon'ble Khan Bahadur Khwaja YUSAF SHAH.
- The Hon'ble Mr. HERBERT JOHN MAYNARD, C.S.I., I.C.S.
- The Hon'ble Mr. OSWALD FARQUHAR LUMSDEN, I.C.S.
- The Hon'ble Khan Bahadur Sayad MEHDI SHAH.
- The Hon'ble Pandit JAWAHAR LAL, BHARGAVA.
- The Hon'ble Rai Bahadur RAM SARAN DAS, C.I.E.
- The Hon'ble Rai Bahadur Pandit SHEO NARAIN.
- The Hon'ble Mr. DAVID WANN AIKMAN.
- The Hon'ble Rai Bahadur Bakhsbi SOHAN LAL.
- The Hon'ble Rai Bahadur Raizada BHAGAT RAM.
- The Hon'ble Mr. CREWE ARMAND HAMILTON TOWNSEND, I.C.S.
- The Hon'ble Mr. CHARLES JOSEPH HALLIFAX, I.C.S.
- The Hon'ble Khan Sahib Mirza MUHAMMAD IKRAM ULLAH KHAN.
- The Hon'ble Diwan Bahadur Diwan DAULAT RAI.
- The Hon'ble Mr. EDWIN WOODALL PARKER.
- The Hon'ble Mr. HENRY DUFFIELD CRAIK, I.C.S.
- The Hon'ble Khan Bahadur Malik MUHAMMAD AMIN KHAN.
- The Hon'ble Colonel HAROLD HENDLEY, M.D., I.M.S.
- The Hon'ble Mr. STEPHEN WILLIAM GRACEY, I.C.S.

THE PUNJAB COURTS BILL.

The Hon'ble Mr. J. P. Thompson :—

"I beg leave to present, Sir, the report of the Select Committee on the Punjab Courts Act Amendment and Validation Bill. Since the Bill was introduced the Select Committee has had two sittings, both of them long. The first difficulty with which we were faced was the difficulty of disposing effectively of the present Punjab Courts Act. As I indicated in my speech introducing the Bill, the view that has been taken by Government is that the Act of 1914 is not an Act at all. Several members of the Select Committee, however, were of opinion that a certain portion of it, the greater part of it, possessed legal force, and that it was an Act in every sense of the word. However, our first task was to find out a proper method of disposing of it. The conclusion which we have arrived at was suggested by the Secretary of the

[*Mr. J. P. Thompson, Raizada Bhagat Ram.*]

Council, and you will find it embodied in clause 4 of the Bill as it has emerged from the Select Committee—'The Punjab Courts Act, 1914, and Punjab Act IV of 1914 or so much thereof as may be valid, are hereby repealed.'

"The main alteration that we have introduced in the form of the Bill is that we have incorporated and tacked on the law relating to the Punjab Courts, or, in other words, Punjab Act, III of 1914, in its proper form, as part II of our Bill. We have done this because we believe that it will be convenient for the Punjab Courts to have in a compact form both the necessary validating sections and the substantive law of the courts. It would, of course, be more convenient to have one self-contained Act, and we quite recognised that. But in view of the fact that before very long all the sections which relate to the Chief Court will be obsolete, the province will not have to wait very many years before it gets another self-contained Act on the subject of Punjab courts. One or two minor alterations we have introduced. We have done away with the somewhat cumbrous title of the Punjab Courts Amendment and Validation Act and have reintroduced the familiar nomenclature 'of the Punjab Courts Act' of 1918.

"The Hon'ble Members will recollect that I referred to the necessity for making provision in clause 3 of the Bill for appeals which had been or might be lodged in the Chief Court under the terms of Mr Shafi's unpassed amendment. We have made one or two small alterations in the provisos which deal with the 2nd and 3rd classes of those appeals. The 2nd class, as Hon'ble Members may remember, consisted of appeals which have been lodged in the Chief Court but which have not yet been decided. We proposed originally in the Bill, as introduced, that the Chief Court should be empowered to return those appeals for presentation to the proper court within a period to be fixed by them. We now propose in the interests of simplicity that the Chief Court should merely transfer those appeals to the proper courts. The 3rd class of appeals were appeals which have not yet been presented but still would be within time if presented as appeals to the Chief Court. In regard to these, with the object of avoiding possible hardships, we have extended the period of limitation from 30 days as originally proposed to 60 days,—60 days, that is to say, from the commencement of the Act." It was felt, for instance, that if the original suit had been decided, say, 15 days before this Act came into force, but the knowledge of the new legislation did not reach the intending appellant, he might go on in the confidence that he was allowed 90 days in which to lodge his appeal, and not find out his mistake until long after the expiry of the 30 days which we proposed to allow under the original Bill. We therefore propose to double that period and allow 60 days instead of 30 days.

"These are the main alterations which the Select Committee have introduced into the Bill, but in view of the extraordinary complexity of the questions involved I do not propose to move that the Bill be taken into consideration to-day. Under the rules of the Council, Hon'ble Members are supposed to be in possession of the report of the Select Committee and the Bill, as amended by the Select Committee, at least a week before it comes up for consideration, and I do not consider this is a case in which we should depart from the ordinary rule. I therefore beg to move, Sir, that the report of the Select Committee and the Bill as amended by them be taken into consideration on the 4th of May."

The Hon'ble Raizada Bhagat Ram : —

"YOUR HONOUR,—I support this motion."

The motion that the report of the Select Committee and the Bill as amended by them be taken into consideration on the 4th of May 1918 was put and carried.

[*Rai Bahadur Ram Saran Das.*]

RESOLUTION RE GRANT OF GRAIN COMPENSATION ALLOWANCE.

The Hon'ble Rai Bahadur Ram Saran Das : -

" Your Honour, the following resolution stands against my name :—

" This Council recommends to His Honour the Lieutenant-Governor that the present rule for the grant of the Grain Compensation Allowance be modified in such a way that -

- (a) it should not be calculated on the basis of the combined average price of a number of food grains ;
- (b) it should be calculated in each district, as a rule, on the basis of the price for the food grain which is in reality the staple food of the majority of people living in that district.

" Your Honour, before I say anything on the present rules for the grant of Grain Compensation Allowance, it is necessary first to discuss briefly the old rules which have been superseded, and which it is my object in this resolution to restore. In April 1908 when Hon'ble Sir Edward Maclagan was the Chief Secretary, the Government prepared a list for each district showing therein the grain accepted as a common staple food for the purposes of Article 72 of Civil Account Code. According to these rules district officers were directed in case of necessity to apply to the grain mentioned in the list the monthly average of prices published fortnightly in the *Government Gazette*, and if the price thus evolved of the common staple food grain of a district appeared to be dearer than the prices mentioned in the article, bills for compensation were to be prepared and presented without further reference to higher authority. According to the list then prepared wheat was the common staple food grain, throughout the year, in the district of Sialkot, Gujranwala, Amritsar, Lahore, Montgomery, Ferozepore and Shahpur : and for six months in a year in the districts of Jullundur, Ludhiana, Rawalpindi, Jhelum, Gujrat, Attock, Multan, Lyallpur, Muzaffargarh, Mianwali and Jhang. As canal irrigation increased and larger and larger areas began to be grown with wheat, this food grain became more and more the common staple food grain of the people. By the year 1915 complaints began to reach the Government and numerous alterations in the list of 1908 were suggested. In 1915, therefore, it was decided that the list of food grains for each district should be re-examined and brought up to date. All Commissioners were accordingly requested to furnish a list similar to that prepared in 1908, showing therein the common staple food grain for each month of the year and for each district in the division. In reply to this request the different Commissioners after previous consultation with Deputy Commissioners recommended wheat as the common staple food grain throughout the year in the District of Shahpur, Mianwali, Sialkot, Gujranwala, Lahore, Amritsar, Gurdaspur, Montgomery, Lyallpur, Jhang, Multan, Muzaffargarh and Dera Ghazi Khan : for nine months in the year in the district of Ferozepore : for eight months in the year in Ludhiana : for seven months in Ambala, Jullundur and Gujrat ; and for six months in Jhelum, Rawalpindi and Attock. In 1908 wheat was the common staple food grain throughout the year in seven districts. In 1915 it was found to be so in 13 districts. In the latter year it was also found to be the common staple food grain for six months or more in the year in 21 districts. It is strange to find that the Hon'ble Mr. Barron, the then Chief Secretary, brushes aside all these facts. The results of elaborate enquiries made by experienced Deputy Commissioners were also ignored and a new set of artificial rules were framed. In the circular letter of 25th November 1915 Mr. Barron does not give any reasons why he set aside the recommendations of local officers. Under these new rules the test for the grant of compensation and for calculating the rates is to be the average of prices

*Khan Sahib Mirza Ikram Ullah ; Diwan Bahadur Diwan Daulat Rai ;
Khan Bahadur Malik Muhammad Amin Khan.]*

of the principal food grains, in each district instead of the price of any one common staple food grain. The average price is to be calculated from the average retail rate prevailing for the month, as ascertained from the weekly prices published in the *Punjab Gazette* for five of the grains out of wheat, gram, barley, jowar, bajra, maize, and rice. Now, Your Honour, I admit these new rules are beneficial to the districts of Hissar, Rohtak, Gurgaon, Karnal, Simla, Kangra, and to some extent Hoshiarpur. But to the rest of the 21 districts the present rules are clearly prejudicial. These rules are certainly against the provisions of Article 72 of Civil Account Code which provides that compensation is to be granted on the price of the staple food grain commonly used by the people and not on the combined average price of a number of food grains which may or may not be commonly used by the people. To grant compensation at the combined average prices of several food grains in those districts where wheat is the common staple food grain, is hardly fair. These districts are the greatest sufferers under the present rules. Your Honour, if wheat is not the one common staple food of six or seven districts the whole of the Province should not be put in the same boat with them. Your Honour, the majority of the population in this Province have wheat as their common staple food. The largest amount of wheat in India is produced in this Province. Greatest proportion of cultivated area in this Province is occupied by wheat crops. It is therefore not in the fitness of things that the growers of wheat, the exporters of wheat and the consumers of wheat, when entering Government service should be forced to use inferior food stuffs. I am sure a sympathetic ruler like Your Honour will favourably consider this question. The expense to the Government by reverting to the old rules will not be at all heavy, and I am confident a Province which has crores of rupees as its provincial balances which are every year increasing, will not grudge to pay a little more for the maintenance of its poor hard-worked servants. Moreover, Your Honour, grain compensation allowance is dealt with under the heading, 'scarcity.' Instead of debiting it under all the Departments of administration, would it not be right to debit it under head 'Famine Relief.' If that were possible the Provincial Government will be liable only for one-fourth of the expenditure incurred on Grain Compensation Allowance. At any rate I hope Your Honour's Government will not refuse to spend some more money in order to keep the poor and hard-working servants of the Crown happy and contented. I trust Your Honour's Government will modify the present rules in such a way that the grant of compensation shall in future be calculated in each district, as a rule, on the basis of the price for the food grain which is in reality the staple food of the majority of people living in that district. I am confident the present unfair rules your Honour's Government will see fit to abolish. With these words I commend the resolution for the favourable consideration of the Government as well as of the Council."

The Hon'ble Khan Sahib Mirza Ikram Ullah :—

"YOUR HONOUR,—I support this resolution."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—

"YOUR HONOUR,—I beg to support this resolution."

The Hon'ble Khan Bahadur Malik Muhammad Amin Khan :—

"YOUR HONOUR,—After the very exhaustive and able speech with which my friend the Hon'ble Rai Bahadur Ram Saran Das has prefaced his resolution, very little remains to be said by other Hon'ble Members in support of his eminently just and modest resolution. Wheat being the staple food of the people of this province, I believe it is a hardship on the general body of low-paid Government servants in this province to calculate the grant of Grain Compensation Allowance on the basis of the combined average price of wheat

[*Pandit Sheo Narain ; Pandit Jwahir Lal Bhargava ; Sayad Mehdi Shah ; Raizada Bhagat Ram ; Khwaja Usaf Shah ; Mr. Lumsden.*]

and other food grains, such as bajra, jowar, gram and barley. With these words I support the resolution."

The Hon'ble Pandit Sheo Narain :—

"YOUR HONOUR,—I beg also to support the resolution. In my humble opinion the proper test for it is to see what is the article of food which the servants thus to be relieved are in the habit and accustomed to use. That is the sole test, and I believe that most of the servants for whose benefits this provision is made are consumers of wheat, and not of the coarser grains which are used by the illiterate classes."

The Hon'ble Pandit Jwahir Lal Bhargava :—

"YOUR HONOUR,—I beg to support the resolution."

The Hon'ble Sayad Mehdi Shah :—

"YOUR HONOUR,—I support the resolution."

The Hon'ble Raizada Bhagat Ram :—

"I support the resolution, Your Honour."

The Hon'ble Khwaja Usaf Shah :—

"YOUR HONOUR,—I support the resolution."

The Hon'ble Mr. Lumsden :—

"YOUR HONOUR,—I regret to see that in spite of the very elaborate information which has been communicated to the Council on the subject of the grant of Grain Compensation Allowance in answer to numerous questions so much misapprehension appears still to exist in the minds of non-official members as to the existing system on which Grain Compensation Allowance is calculated. The Hon'ble Mover of the resolution has asked the Council to return to the system which has been tried and found wanting. It has not only been tried and found wanting in this Province, but it has also been tried and found wanting in other provinces. In the United Provinces, for instance, where the one grain system used to be in force our present system of the average of five grains has been adopted for many years. Similarly our present system or something similar obtains in the North-West Frontier Province and Central India. So before we cast aside all benefit of this experience some strong reasons should be adduced for making a change. I fail to find any such reasons in the motion moved by the Hon'ble Member. He has commented on the fact that since 1908 when the original list of food grains was drawn up there has been a considerable extension in the cultivation of wheat, and that consequently when the subject was again referred to District Officers certain changes were made in that list. This is to some extent true, but he has failed to point out that the second lists were not accepted as correct by Government. As a matter of fact, some Deputy Commissioners in sending up their lists frankly stated that these were not the food grains commonly used in the districts, but the food grains commonly used by the official class. This is entirely a different thing. The Civil Account Code most distinctly states that this is not, as I have already pointed out in answer to questions, the criterion to be applied to the case of grains to be chosen. The grain or grains to be chosen is that or those commonly used by the inhabitants of the district without any class distinction whatsoever. Another misapprehension which made itself somewhat manifest in the few remarks of my Hon'ble friend Pandit Sheo Narain is this that there is an idea that the greatest number of Government servants who get grain compensation allowance are clerks who are residents of towns. That is an entire misapprehension. The greatest number of Government servants who get grain compensation allowance are not clerks or residents

[*Mr. Lumsden ; His Honour the President.*]

in towns. The police is recruited almost entirely from the rural areas, and the police takes about one-half of the whole compensation. Then there is the large army of Patwaris. Patwaris are also largely recruited from the rural population for the rules require that a certain proportion of them should belong to the agricultural classes. I have not the exact figures, my Hon'ble friend Mr. Maynard can probably supply exact figures, but I feel sure that the majority of the Patwaris are now agriculturists. These are, Sir, very cogent matters which appear to be entirely overlooked by the Hon'ble Mover.

"I may also point out that as a practical result of the system there is a much greater equality produced by an average of five grains. Under the one grain system there are difficulties about taking the district as a unit. Take the case of Rawalpindi. For the Rawalpindi District we have different grains for the different tahsils. It may be argued, of course, and it is true in the case of the Rawalpindi District, that the different grains correspond more or less to the different characters of the parts of the district. Portions are mountainous and portions belong to the plains. The two classes are actually combined in a single tahsil which returns accordingly different grains for its different parts. But the same thing occurs even in the case of a district which belongs entirely to the plains. Take the case of Muzaffargarh. In the case of Muzaffargarh we have varying staples in the case of certain tahsils of the district: Muzaffargarh, Sinanwan and Alipur, and may thus have to allow for three different grains in adjoining tahsils in the same district. In the face of these facts how are we to select satisfactorily one food grain for such districts. If we take an average of five grains, the people are thus able to get a fair share of the grain compensation allowance. We cannot ignore the practical results of the present system. I have taken the trouble to obtain from the Accountant-General the number of districts in which Grain Compensation Allowance has been allowed during January and February. I find that Grain Compensation Allowance has been paid in every district under the present system, during the months of January and February. Had we been working under the one grain system, I find that probably five or six districts would have received no grain compensation in January and four would have received no grain compensation in February. Yet it is argued that this new system is a species of false economy on the part of Government. I have no hesitation in saying that it is nothing of the kind. The system works with the greatest fairness in the distribution of the allowance which is given for a particular purpose and which is given whenever circumstances require in a most generous way. I hardly think I need say anything more. I am sure that the various non-official members who supported the resolution have not really considered these facts, because the resolution as it stands implies that the new system is a species of false economy on the part of Government. It is not a question of economy at all. The results may work out in certain seasons less favourably than if you had the one grain system; on the other hand, as I have shown by actual example, at the present moment the existing system is often more favourable to the recipients. I feel sure that it is more equitable and just than the old single grain system. As I have already pointed out you cannot get one grain for the whole district in various cases, and the system which the Hon'ble Mover recommends has been tried and found wanting both here and elsewhere.

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

His Honour the President :—

"In putting the resolution to the Council I might make a few remarks to remove misapprehension. Government is as anxious as the Hon'ble Members that the lowly-paid servants of Government should be saved as far as the rules permit the hardship involved in the high prices. But there is one point

[*Rai Bahadur Ram Saran Das ; His Honour the President.*]

which should not be lost sight of. Our rules in this matter are based upon the principle laid down by the Government of India. That principle is embodied in Article 72 of the Civil Account Code. It lays down that the Grain Compensation Allowance is to be calculated with reference to the cheapest food grain in ordinary consumption in the district. It is not calculated on what the ordinary consumer would like to consume. It refers to the common staple food grain, it may be wheat or rice or others, in ordinary consumption in the district. Perhaps the Hon'ble Mr. Lumsden will give the actual wording of the article."

The Hon'ble Rai Bahadur Ram Saran Das :—

" I have quoted the actual wording in my speech. I may recite it with Your Honour's permission. It runs as follows :—

" When the price of the common staple food grain of the district is dearer than Re. 1 for twelve seers, but is not dearer than Re. 1 for ten seers, all whole-time servants of Government on Civil Establishments whose pay does not exceed Rs. 30 per mensem, may receive an extra allowance at rates not exceeding those prescribed."

His Honour the President :—

" Yes, it refers to the cheapest food grain commonly used by the people. Well, therefore, if we decide that in all districts wheat is commonly used by the people, we shall be finding in the face of facts because there are many districts where wheat is not commonly used by the people, though it may be commonly used by the people at head-quarters. If we decide, for instance, in the case of Dera Ghazi Khan that wheat is the article commonly used by the people we should be flying in the face of facts, and we should be disregarding the principle laid down by the Government of India. I think that as the Hon'ble Members have probably not fully grasped the reasons which have actuated Government in revising the rules it is desirable that the Hon'ble Members should be given an opportunity of seeing all the material in the possession of Government and realising the full reasons which have led to the present decision. I, therefore, would suggest that a small committee consisting of two or three Members, officials and non-officials, should go into this matter and see exactly the policy which has been laid down by the Government of India. If it is found that there are any directions in which we can, with reference to that policy, do something for the low paid servants, Government will have no hesitation in doing so. Our hands are at present tied down by article 72 of the Civil Account Code. We cannot while that rule stands find in the face of facts. If the Hon'ble Member will agree to adopt my suggestion that this matter might be gone into by a small committee in more detail, Government will put at the disposal of the committee all the information at its disposal and endeavour to mitigate any hardship which might be found to arise under the present rules."

The Hon'ble Rai Bahadur Ram Saran Das :—

" YOUR HONOUR,—I agree to the suggestion so kindly made by Your Honour. The file of these papers I may mention was laid on the Council table at the last meeting. I have gone through that file very carefully. However, in that Select Committee I shall be able to put forward my views and then this Council can consider my proposals again."

His Honour the President :—

" It will be a small committee which will report to Government. I understand that in view of the assurance I have given to the Hon'ble Member he does not press the resolution."

[*Rai Bahadur Ram Saran Das ; His Honour the President ; Rai Bahadur Pandit Sheo Narain ; Mr. Thompson ; Diwan Bahadur Diwan Daulat Rai .*]

The Hon'ble Rai Bahadur Ram Saran Das : —

“ This resolution may be deferred till the next meeting.”

His Honour the President : —

“ The Hon'ble Member will be at liberty to move another resolution. I may make it clear that is not a Committee of the Council, but it will be a committee appointed by Government on which the Council will be represented. The Committee will report to Government after examination of the facts.”

The Hon'ble Rai Bahadur Pandit Sheo Narain :—

“ It has nothing to do with the particular resolution.”

The Hon'ble Mr. Thompson :—

“ Is the Hon'ble Member in order in speaking while sitting ?”

BUDGET, 1918-19.

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—

“ YOUR HONOUR,—I beg to associate myself with Hon'ble members in congratulating Your Honour and the member in charge on the very satisfactory budget presented to this Council last month. It has been a matter of great gratification that the Revised Estimates for the year just ending disclose the general prosperity of the Province, and that the Budget emphasizes once again how in the midst of a War that has touched deeply every part of the world and has placed the utmost strain on the resources of Great Britain and her noble and gallant allies, this great Province of the Indian Empire has felt so little the shock of the War on the financial side. It is doubtful whether to-day there is any country in the world, even among those that are not in any way involved in the great struggle that is now spread over every continent of the world, whose general finances have felt the influence of the War so little as India, and yet we are a loyal dependency of the great power which is taking the leading part in destroying the danger of German military ambitions.

“ Your Honour, I venture to consider this significant fact, often lost sight of, as the proof at once of Britain's might and good will. In the hour of her struggle for life and death, when ancient States are being torn into pieces, it is striking how Britain's strong arm maintains order and peace and calm and prosperity in this distant Empire.

“ It is still more striking, and is the final proof of Britain's good will to the people of this poor country, that nearly as we are concerned, in the issues of the present War, the country's finances are allowed to remain practically unaffected by it, and India runs her economic course as if the world was undisturbed by any blow to her normal life.

“ Your Honour, this emboldens me to offer some observations on the budget now before the Council and a few words on the great mission on which His Majesty's Secretary of State for India is out in this country. But before I do this, let me say on behalf of the people of this province and particularly those parts of it which I have the honour specially to represent, how deeply touched we are by the stirring message of the Prime Minister to the people of this country, and how we all echo the words of His Excellency the Viceroy in reply to that message. The people of India stand as one man in their devotion to the noble aim of Britain in this War - they realize fully the great issues involved in the contest, they recognise the nature of the peril which enemy success would mean. But they are confident of the success of the British arms, and they are prepared and anxious to further assume their share in contributing to this success. We shall all watch with keen interest and concern the deliberations of the conference, that is to meet at Delhi to-morrow to consider what part India must play in further strengthening the allied

[*Diwan Bahadur Diwan Daulat Rai.*]

forces and resources. Your Honour, I can confidently assure the Government that this Province would loyally and willingly carry out the duty assigned to it as its share of India's contribution in whatever form or shape that duty may have to be performed. This province has already given signal proofs of devotion to Britain's flag. It has been a matter of gratification to us all how in the work of recruitment during the past year this province has taken an easy lead, and with Your Honour's permission I would mention that the division to which I have the honour to belong occupies the first place in the province, and in the country as a whole.

"Your Honour has to be congratulated on this extremely satisfactory situation. The Punjab has more than maintained her position as the sword arm of India during Your Honour's administration, and I venture to think that Your Honour's administration will, as a signal mark of this, ever remain memorable in the History of the Province.

"But the Province has distinguished itself by not only filling the ranks of His Majesty's army. It is a matter of legitimate pride to us that in subscribing to the War loan which it was India's privilege to raise to make a humble gift to Britain for the War, the Punjab has taken no mean place.

"A province of small peasant proprietors with no large industrial or commercial fortune, under Your Honour's wise guidance challenged comparison with rich industrial provinces of the country. Here may I express a hope that real and valuable relief to these sturdy and loyal sons of the Province may be given by the wider extension of the principle of long term settlements. The present system of twenty year settlements is felt as a serious hardship by our peasants. I would urge therefore strongly though respectfully that very early steps should be taken to make the period in no case less than thirty years.

"The heart of the Punjab is sound. Devoted to His Majesty's cause and responsive to every call made upon her co-operation, the Province has enjoyed in the year just ended absolute freedom from disturbance, and a noteworthy fall in crime due entirely to Your Honour's able administration of the province. All these are happy auguries of our progress in coming years.

"Your Honour, turning to the Budget itself, I feel constrained to remark that it was not a pleasant surprise to me that among the items that has led to an increase in the closing balance, reduction in expenditure on education should be one, and yet this is responsible for about 1½ lakhs. The Hon'ble Member in his opening paragraph of the statement while referring to small reductions under the head of Law and Justice—Jails and Superannuation Allowances and Pensions and Stationery, etc., has not thought fit to refer to this economy in educational expenditure, while none of these is responsible for so large a reduction. Your Honour, we cannot look upon this reduction on educational expenditure, unnoticed as it is by the Hon'ble the Finance Secretary, with any degree of satisfaction, and I would impress upon Your Honour's attention the desirability, even during the continuance of the war, to spare this head from the special restrictions on expenditure generally imposed. The new year's Budget provides for an increase of expenditure as compared with the year just ending, but considering the importance of the matter and the fact that most of it is to be utilised for certain building operations the increase is by no means large, and it yet remains to be seen whether the full budgetted amount would be utilized.

"Your Honour, the necessity for more educational facilities all along the line is keenly felt, private enterprise in the Province is doing most commendable work, and many of us feel that time has come when the Government may substantially enlarge its educational activities. The Bill on primary education is a step in the right direction.

[*Diwan Bahadur Diwan Daulat Rai ; Rai Bahadur Pandit Sheo Narain.*]

"Next to education the need for improvement in sanitation is most keenly felt by the people and in spite of the explanation made by the Honourable the Financial Commissioner, the public has noted with regret the reduced figure provided in the new Budget. Your Honour, I beg also to submit that increase of income under the head Excise is at present proceeding at too rapid a rate, and we ought to examine strictly whether the advance should not now receive a check.

"Your Honour, I would also ask the Government in common with my Hon'ble colleagues who have spoken on the subject to consider whether regulations regarding discussions on the Provincial budget may not usefully be modified so as to bring them into line with the changes recently introduced in the Imperial Council. It has often been felt that the facilities for the consideration of the budget are not adequate, and our discussions are not as useful as they ought to be. This is a serious reproach to the working of a body like this, and it should be a matter of earnest consideration how it can be removed.

"I would only say a word about the great mission on which the Right Honourable Mr. Montagu has come out to this country. India rejoiced at the announcement of the definite decision by the British Cabinet that questions of administrative and political reform here were urgent enough not necessarily to wait the end of the War, and extended a most cordial welcome to the Secretary of State who has come amongst us to make a personal enquiry into the many questions involved. India's pressing problems have been urged by the people for a long time, the present demand for political reform is in no sense the outcome of the War except perhaps in so far as the war has revealed defects on the side of Administration and given an unexpected force to the arguments of the people.

"We all cherish the hope that engrossed as the Government here and the people in Britain are in the task of beating down the enemy and vindicating the fundamental bases of civilisation, Great Britain would, undeterred, continue on her appointed path, and the principle of self-Government would constantly receive such further extensions as are consistent with the legitimate aspirations of the people and thus make the noble mission of the Secretary of State for India a real success.

"Your Honour, I wish also most cordially to felicitate you on the high recognition of your administration by the year's extension of your term of office. We pray that the new year will be attended with the fullest success, and we shall all rejoice if this success wins similar recognition at the hands of our beloved Sovereign."

The Hon'ble Rai Bahadur Pandit Sheo Narain :—

"YOUR HONOUR,—Following the customary practice I propose to take up a couple of matters outside the Budget before I deal with it.

"The first thing I shall speak of is of all engrossing interest, namely the titanic struggle that is raging in these days on the Western Front. Of course nobody can predict issues of War definitely, but humanly speaking the result is not far, and we hope that civilization, which has always suffered at the outset will like the past eventually triumph over barbarism. During nearly 4 years of the war German aggression threatened to be a flood to engulf the whole world, but it has found its boundary, the tide is being successfully arrested, and if things go on in the manner they are going on, there are good reasons to hope that the storm will blow over.

"Let us take stock briefly of the net result, up to date, of the achievements on both sides. The British situation is that not a single inch of British territory is in the hands of the enemy : on the contrary, Germany's

[*Rai Bahadur, Panjit Sheo Narain.*]

African Colony has been wrested from her Basrah, Baghdad, Palestine, in deed practically the whole of Mesopotamia is in British hands. In Arabia the king of Hedjaz is on the best of terms with the British and is purging the country of Turkish overlordship. Egypt is now properly under British suzerainty. The importance of these new conquests cannot be overrated. The German African Colony rich in mineral wealth has added territory and resources to the British Empire. Basra is a commercial port of great significance, Baghdad is a sacred city where every possible effort is being made to protect sacred places and police the town on the best civilized lines.

"If the newspapers are to be believed Sikh annals have received a corroboration in the tablet found there according to which Guru Nank discussed theology with a Muhammadan Fakir at Baghdad. Palestine with its capital Jerusalem is the ancient home of the Jewish nation, the land is sacred to Christians, Jews and Muhammadans alike where the present holy sepulchre of Jesus Christ is the object of pilgrimage for innumerable devout Christians which history tells us was erected by Constantine the Great on its old site after its destruction by the Persians and Hadrian. There is also in Jerusalem the noble Mosque of Omr. Mesopotamia 'something high sounding and pleasing but wholly past comprehension' reminds us of the story of an old woman who told her pastor that she found great support in that comfortable word, a word which is puzzling European philologists who do not know its Sanskrit origin. It is Madhya potama of the ancient Hindus which means in Sanskrit land between rivers. Who knows whether there has not been Indian emigration to that Doab in the remote past.

"The enemy's situation may be summarized in a few words. His trade is paralysed, his fleet pent up. He did deal a blow to Italy but certainly not a crushing blow, and we may expect stout resistance if any offensive is taken in that country. He has succeeded somehow to dismember the Russian Empire resulting in the release of a large army from the frontiers of Russia to augment his army in the Western Front. It is rather unfortunate that at this juncture to be deprived of help from what was understood to be a powerful ally. The enemy is in possession of Belgium and some Russian and French territory. Speaking comparatively, the enemy's gains in point of territory or strategical importance are not very great. One fact is, however; transparently clear that the British Empire is now more consolidated, more compact and certainly stronger than it ever was. The first rush of the offensive has been met with deadly losses to the enemy and the second is well arrested, and if things go on at this rate we hope to win. The situation is still grave and should not be underrated دشمن توانم قدر و بجزرا شمرده. There is not least doubt that all our resources shall require to be fully utilized and every citizen of the Empire is prepared to make every sort of sacrifice to achieve victory.

"The second point I will take-up is Lyallpur Agricultural College.

"In this week I had the opportunity of seeing the Lyallpur Agricultural College through the kindness of Hon'ble Mr. Townsend. I was shown the farms, the entomological, chemical, mycological departments and the Museum, &c., &c. I had no idea of the grandeur and the utility of this institution before I actually saw it. It presents a picturesque sight when one looks at the magnificent buildings, the huge halls and the spacious lawns and the farms around them. I believe the area covered is over 15 squares. I am afraid its utility is not yet quite appreciated nor its potentialities realized. It is sure to prove of immense good to agriculture in the province. One of the professors showed me in a microscope the contents of a wheat grain within which a pest had prevented the development of the seed into wheat. The

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pest has a regular colony apparently inert and motionless, but it has a long life, say 20 years, and with moist vapour it could be revived into life. I saw also the resuscitation of the colony of this pest. The movements of the worms were so many snake or eels wriggling.

A zamindar in the Muzaffargarh District had not separated this deteriorated grain from proper wheat seed, which resulted $\frac{1}{4}$ th of his crops producing heads of wheat apparently wheat like but in black colour and totally unfit for human consumption: similar pests, vegetable and organic, are being dealt with by expert scientists in their laboratories which contain clay models of a variety of descriptions in addition to illustrated charts. I must say my visit was well repaid: I would ask every zamindar to go to see the College and profit thereby.

"As I said last year there ought to be facilities to capitalists outside the agricultural communities to apply scientific knowledge to agriculture.

"Coming now to the Budget one should fully realize the difficulties of a person who has to dole out money in a scramble. Each department urges its claims with reason or plausibility, and it is no easy task to regulate the adjustment of demands. However, the distributor exercises his discretion as reasonably as he can. There is another difficulty which the distributor has to meet in these days. He has to bear in mind that it is war time and economy has to be exercised in the expenditure of money which is by no means a negligible sinew of war. Indeed even parsimony or stinginess may be excused.

"It would be an idle task to suggest *ex post facto* what should have been the items of allotments to the various departments, because the present budget is not open to alteration. So far, however, as I have studied the figures, I must say that, on the whole, the Finance Member has been reasonably fair in apportionment. I hope what is apportioned will be duly spent in the ensuing year. What I am going to say with regard to sanitation and law and justice is by way of suggestion for the future.

SANITATION.

"It has given me immense gratification to hear from the Hon'ble Colonel Hendley that the school of Medicine at Ludhiana will receive financial support. I am also glad to hear that definite provision has been made for itinerating dispensaries to render medical aid to malaria-stricken parts of the province. In my humble opinion no subject possesses great importance than the care of the health of the population. In this country cholera and plague may be said to be occasional visitors, but malaria is an annually recurring enemy. One historian tells us that malaria has sometimes contributed largely towards sapping the very foundations of an empire in the past. As my Hon'ble friend puts it an income of health would ordinarily be held preferable to one of wealth. It is the first duty of a State to see that the physique of its subjects does not deteriorate. One can do without all other things, but health ought to be the foremost concern of all.

"Not only is malaria to be grappled with but general sanitation ought to take the most prominent place when a budget is framed.

"Marvels have been achieved by modern hygiene and sanitation in Europe in preventing and warding off infectious diseases. Consequently no economy is justified in the provisions for improving the sanitation of the province. I am sorry to remark that an average Punjabee is not quite alive to the benefits of sanitation because his ancestors possessing stronger constitutions could resist disease amidst the filthiest surroundings but times are changed. Modern life whether it be viewed from the point of congestion of

[*Rai Bahadur Pandit Sheo Narain ; Rai Bahadur Bakhshi Sohan Lal.*]

population in particular towns or physical deterioration due to the strain on nerve and muscle or overwork and other causes the fact is indisputable that the power of resistance is low, and if we neglect sanitation in the modern conditions of life degeneration of the population will fast set in, a—state of things to which nobody can afford to be indifferent.

LAW AND JUSTICE.

“Coming now to Law and Justice, a department with which I am directly connected, I have to say at the outset that justice has always been the mainstay of every Government, and in this respect the British administration has been appreciated to a degree. I may have an unconceivable bias in favour of the department with which I am connected, but perhaps I am right in submitting that the efficiency of courts of justice conduces to the strength of the Empire. The conversion of the Chief Court into a High Court is long overdue.

“The consequential expenditure is not very great, and there is no valid reason to put off the matter indefinitely.

“In the savings expected in the budget grant for the Chief Court it is said a saving of Rs. 13,000 is expected and it is also stated that by some change in classification a saving of Rs. 28,000 is expected in the process-servicing establishment. Perhaps both these matters require elucidation.”

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—

“YOUR HONOUR,—At the present crisis created throughout the world by the Great European War, and in view of the Premier's recent stirring appeal to the Indians, it does not seem primarily necessary to discuss any subjects which do not bear, directly or indirectly, upon the question of successful termination of the war ; and I am glad to state that the question uppermost in the mind of every Punjabee just now, is how to meet enemy's great menace, with greater manliness, courage and determination. It is the earnest desire of every one in this great province to show a united front to the enemy, and with this object in view to see that our armies in the various fronts are strengthened and our fellow-subjects who are gallantly fighting our battles in different theatres of war are properly re-inforced, and further that our gallant brethren in the field are duly supplied with all necessities of life and equipped with war material.

“Your Honour, the people of all classes in the Province are whole heartedly devoted to the Throne of His Most Gracious Majesty the King, and have been cheerfully making great sacrifices, and it is no exaggeration to say that they are prepared to make still greater sacrifices and to shed the last drop of their blood and the last penny of their resources. They are ready to render whatever services they may be required to render ; and it rests with the Government to make the most of this loyal and genuine enthusiasm of the people, and I am sure that if this situation is handled carefully and in a statesmanlike spirit, the results achieved would far exceed the expectations of the Premier and of the Empire. In my humble opinion military training should at once be introduced in all the Colleges and High Schools of the Province ; and the formation of Indian Volunteer Corps similar to the European Volunteer Corps should at once be taken in hand. The feeling on this point is so strong that within two days of the publication of Premier's message no less than 120 Indian members of the Lahore Chief Court Bar Association gave their names for enrolment. Many more Indian members of the Bar and Government servants of high position are expected to follow in case Government chooses to have an Indian Volunteer Corps on the same lines and under the same conditions as those by which European

[*Rai Bahadur, Bakhshi Sohan Lal.*]

members of Bar and European Government Officers in the Judicial and Executive lines are enrolled at present.

" Your Honour, it is a matter of universal gratification that the law relating to enlistment in the Indian Defence Force (Non-British Section) has been amended, and enlistment in Indian Defence Force is soon to be registered. Youngmen, educated and uneducated, are coming to the Indian Defence Force Central Committee, of which I happen to be President, and are expressing a desire to sign applications, but as yet the Government of India notification has not to my knowledge been issued under the amending Act, and therefore regular work cannot be restarted. Allied to this subject is the question of relaxation of the Arms Act in favour of all persons who have done or may hereafter do anything to assist in the war in the form of providing men or money or in any other way, and we hope that Your Honour's Government will seriously consider this matter.

" The people are anxiously looking forward to the proposals which will be formulated in the Conference which His Excellency the Viceroy is convening at Delhi on the 27th instant, and to the proposals to be formulated in the special war meeting which Your Honour intends to hold at Lahore on 4th May next; and I have every hope that whatever calls Government thinks fit to make on the resources of this Province will be cheerfully and willingly met by the people of this Province. The Punjab has already made great sacrifices during the war, and I am sure that we all will redouble our energies, now that the Premier has, in the name of His Majesty, thought fit to make a further call on our resources.

" It was not my desire to touch upon any other question at this juncture, but as under the rules this is the only opportunity given to non-official members for discussing and making their observations on the Financial statement, I wish to offer a few observations, and I wish to join my colleagues in offering our congratulations to the Hon'ble Finance Member for prosperous budget at this time of universal depression and anxiety, with a handsome opening balance of Rs. 1,89,78,000 or about 87 lakhs more than what was expected to be the closing balance of the last year, and also for anticipating still more prosperous closing balance of Rs. 1,91,18,000. This financial abundance though most satisfactory from the banking point of view is perhaps, hardly, a matter for congratulation from the point of view of a sound revenue policy. If the revenues are extensive, they should be spent on works of popular progress such as sanitary, educational, agricultural and industrial development of the country, and there should not be such large savings as we have been making in this Province. Your Honour, the unspent balance to the credit of the Government is yearly rising, and I believe no Provincial Government in India allows such large sums of money to pile up from year to year as has been the case in the Punjab for the last 5 years. It is really a matter for regret that when we have got such a large amount of opening balance in hand and such larger prospects of income in the current year we have reduced still further the expenditure under head 24-B (Sanitation) from Rs. 9,50,000 to Rs. 8,15,000. I have also not been able to understand the explanation of the Hon'ble Finance Member, that it was impossible to spend recurring grant from the Government of India for the improvement of pay and training of teachers. It is hoped that any amount which could not possibly be spent during the last year on rural sanitation and rural education will now be utilized in the current year, and the closing balance reduced to its very minimum instead of being increased and accumulated. With the advance of times and with the growing demand for improvement of physical and intellectual condition of the people, the expenditure on education and sanitation must be

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aised so as to be brought in line with expenditure on those headings in European countries and the reduction of expenditure under either of these heads cannot be considered good and sound economy, specially when epidemics, such as plague, malaria and cholera which are the products of insanitation and ignorance, continue to extort a very heavy toll of fatality in this Province.

“ Another matter that requires earnest attention of Government is revision in its excise policy, and the speech of the Hon'ble Finance Member in the meeting of 13th March 1918 to the effect that the income under this head, far from decreasing, has increased in leaps and bounds, on account of increase of money in this country is not expected to give consolation to anybody. Popular conviction is that the world-wide struggle now raging in almost all parts of the world has injuriously affected the financial state of every country, and India, much less this Province, is no exception in the matter; and while the prices of the necessaries of life have enormously increased it is a fallacy to suppose that pecuniary prosperity has increased among the people of this country. Perhaps the condition of the country is quite the reverse and almost everybody is feeling the pinch. Even if the assumption of the Hon'ble Finance Member be correct that this Province has become more wealthy (which in my humble opinion is incorrect), there is no reason why the surplus money, if any, in the hands of the people should be spent in evils like the pernicious habit of using intoxicating liquors and drugs and not utilized in more profitable ways. But this can only be possible if the import manufacture, sale and use of liquors and intoxicating drugs be restricted to the limits required for medical purposes only. It may perhaps be argued that this policy may have the effect of reducing the income and corresponding deficit in the Budget. The plausibility of this argument cannot be denied, but the corresponding benefit to the people in various ways of improving their physical, social, moral and intellectual condition, and of saving to them several crores of rupees which they spend yearly on liquor, and the consequent prosperity all round will more than counterbalance and pay in the long run much better than loss to the Government revenue, if any, specially when economy in living and freedom from luxurious and evil habits are two great factors in prosecuting the war to successful termination.

“ Another matter that is now in the forefront of the programme of Government and of the people is to foster the arts and industries of the country, but very little of a practical nature has been done in this direction, notwithstanding the opportunities created by the war. We have every hope that Your Honour's Government will soon be able to devise some plan for the establishment of new industries in the Province and for the encouragement and patronage of the existing ones. The question of bringing the agriculture of the Province on a scientific basis is also most important one, and must be handled without further delay. The Lyallpur Agricultural College which is a forward step towards this end is doing most useful work, and I am most thankful to the Hon'ble Mr. Townsend and the College staff for showing me in company with some other Hon'ble Members of this Council that great institution, and I hope that similar institutions will soon spring up in other parts of the Province also, and efforts will be made to make them more popular.

“ Before closing, I would like to assure the Hon'ble the Finance Member that his lucid and comprehensive memorandum and financial statement are carefully read by the members of this Council and by hundreds of people outside with expectant interest and great pleasure, and it is not correct to suppose that members of this Council do not tackle what he calls a formidable and somewhat uninviting document. I must assure the Hon'ble Member that he is very much mistaken if he really thinks so. If the criticism on the financial

[*Rai Bahadur Bakhshi Sohan Lal; Pandit Jawahar Lal Bhargava.*]

statement is not as critical and elaborate as it should be, the reason is that there is a growing feeling among the non-official members of this Council that they have no real hand or power in the allotment of expenditure. The non-official members of the Finance Committee know how helpless they are in the matter and they realise they have no real hand in framing the budget; and the non-official Hon'ble Members who are not on the Finance Committee also cannot have any control over the budget allotments, as when the time comes for them to speak it is too late for them to demand anything for expenditure not provided for or inadequately provided without proposing at the same time some counterbalancing reduction in the estimates of the budget as framed by the Finance Member. I beg to assure Your Honour that the feeling on this question is growing day by day, and in order that the Provincial Councils may serve the useful purpose for which they were created by the Indian Councils Act, 1909, it is essential, nay imperative, that members of this Council must be allowed a larger opportunity of shaping the policy of Government, and the power over the purse is exactly the power which the people of the Province should be the first to receive, and that the rules for the discussion of the annual financial statement should be amended in such a manner as to allow the Finance Committee to draft the Provincial financial statement and to allow the non-official members of the Council to consider and discuss the draft in the Council meeting before it is submitted for the approval of the Local Government and of the Government of India.

"Now about the Budget proper. It is a matter of great satisfaction that the Government has allotted the sum of one lakh of rupees for opening new dispensaries during the ensuing year. There is great need of more dispensaries in almost all the districts of the Province, and I hope my friend the Hon'ble Colonel Hendley will have opened at least 100 more dispensaries before he retires from his office in order that medical relief may be placed within easy reach of the village peasants everywhere in the Punjab, and remove the general complaint of the Hon'ble Finance Member against the spending departments' inability to reach their maximum allotments.

"I also take this opportunity to thank Your Honour's Government for introducing the compulsory Education Bill and the Adulteration of Food Bill in this Council. The recognition by Government of the principles of these Bills is a great advancement of the popular cause for which the public are most grateful to Your Honour's Government and to the members in charge of these measures."

The Hon'ble Pandit Jawahar Lal, Bhargava :—

"YOUR HONOUR,—Before proceeding to discuss any matter of general interest I would like to say a few words in compliance with the invitation of the Hon'ble Finance Member on the question of introducing the new procedure of the Imperial Council relating to the discussion of the budget in this Council.

"At present this opportunity is availed of by the non-official members of the Council for offering remarks upon matters of public interest, voicing forth popular feelings, ventilating public grievances and urging public demands, along with making observation on the budget.

"The change, if introduced, would restrict the scope of their remarks to the financial statement as a whole or any question of principle involved therein. The advantage of this change would apparently be that Hon'ble Members would concentrate their attention on the budget and scrutinize the same more closely. But the weight of this ostensible advantage is counterbalanced by the fact, as pointed out by the Hon'ble Finance Member, that we in the Punjab enjoy more facilities in being conversant with the budget than are afforded in

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the Imperial Council or elsewhere. The non-official members of the Council have an opportunity of moving resolutions on the financial statement, a copy of which is supplied to them in advance some days before the meeting on the day it is presented to the Council, and such of them as happen to be on the Finance Committee have also the opportunity of discussing the financial affairs, though so far only as they relate to the disposal of the unallotted portion of the expenditure. Under the circumstances, therefore, I am inclined to think that no great purpose will be served by restricting the subjects to be discussed by the non-official members in their budget speeches, and I would, therefore, prefer the existing system, with some modification on the lines suggested by the Hon'ble Rai Bahadur Lala Ram Saran Dass.

"Coming now to the budget itself, it may well be called a prosperity budget. It proposes to spend more and to save more. Its optimistic nature is a source of satisfaction to the Government and people alike and the Hon'ble Financial Member may also will feel gratified at it.

"The prosperity of the budget is in the main attributable to the income derived from the unique irrigation system referred to by the Hon'ble Mr. Maynard in such graphic terms in his speech of 13th March 1918. Your Honour is aware, however, that every district in the Punjab is not equally fortunate in this matter. There are districts in the Province, for instance, Hissar, Rohtak and Gurgaon in particular where the caprice of the monsoon mainly determines whether the population is to be visited by famine or blessed by plenty, and more often than not it decrees for the former. I took the liberty of pointing out this state of thing last year also and requested Your Honour to secure some sort of equal treatment by extension of the canal irrigation to these districts and Your Honour was pleased to say that schemes were being carefully investigated to extend irrigation in the South-East Punjab, I do not know whether anything has been done in this connection. In these days of pressing and urgent demands upon Your Honour's time and attention, I would be the last to insist in asking for any immediate step for inaugurating any scheme involving heavy expenditure, yet I do think and emphasise that the poor and mainly agricultural subjects of Your Honour residing in these districts deserve well of Your Honour and at some convenient and early time this subject should receive the consideration it deserves.

"Turning to the budget again, the large surplus from which the Hon'ble Mr. Lumsden apprehended an inference of being double dosed in caution has been explained away by him to be attributable, among other causes, to the budgetted amounts not being spent out fully under the various heads, for instance, Land Revenue, Courts of Law, Police, Education, Agriculture, etc., owing to the difficulty of obtaining supplies and in consequence of Railway restrictions which handicapped the receipt of necessary materials. Your Honour the non-utilization of the all other amounts for the purposes budgetted at least in respect of some of them, *e. g.* Education, Agriculture, etc., is hardly justifiable. The reason given for the same is far from convincing. I for one fail to see why a training school for teachers or Normal Schools for girls for which provision has been made for the coming year could not be started owing to the railway restrictions. Some suitable premises could be rented and work begun in right earnest. It would be desirable, Your Honour, to assist in the coming year that the amounts budgetted for education and allied purpose be spent out.

"We must feel grateful to the Government of India for the fresh recurring grant of 2 lakhs for primary education, and it is a matter of satisfaction that one lakh recurring and one lakh non-recurring have been provided for primary education for the coming year. The Punjab will for time to come remember with gratitude Your Honour's efforts to bring education within the

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reach of all the children of the soil as evinced by the contemplated introduction of the Compulsory Education Bill which seem to be an earnest of the earnestness of the Government in tackling up the matter. In this connection I may remark that in order to enable the local bodies to carry out the benevolent objects of the measure, substantial and liberal contributions by the Government would be indispensably necessary, as the local bodies, specially of the Mofussil, have faint resources hardly sufficient to meet even the present requirements of the population bearing aside the growing and legitimate demands for improvements in matters of sanitation.

"We owe to Your Honour the establishment of the faculty of agriculture during the year which in an agricultural province like the Punjab was a thing of supreme importance, and I am bound to think that in future in rural areas literary primary education will be mingled in a healthy combination with agricultural instruction.

"Your Honour, I regret to say that we are very backward in female education, and this part of the programme of education is not working with the rapidity with which it should. I am glad, however, to find that provision has been made for the establishment of four normal schools for girls.

"About technical and commercial education the less said the better. The new Training College and the promised second Government College may come soon in existence, yet I see no near future for the Technological and Commercial Institute. But for the time being unfavourable for any such demand I would certainly have pressed for early steps being taken in this direction.

"It is deplorable, Your Honour, that the Sanitary Board finds it difficult to spend the money allotted to it on account of the absence of any sanitary schemes. Education and Sanitation are the urgent requirements of the province and the wonder is that monies allotted by the Government remain unspent. This curious state of things should not I submit be allowed to continue any longer. The Punjab villages and towns are scarcely noted for their cleanliness: pure water, pure air and food are not easily obtainable everywhere in the Punjab. I hope, Your Honour will be pleased to arrange that the Sanitary Board and the local bodies utilize the amounts allotted during the coming year.

"In the absence of technical and commercial education it is no surprise that industrially Punjab is very backward and its trade and industries are still in a primitive condition. In normal times the duty of the Government would have been to do the pioneer work of starting industries. But if this is not feasible owing to the difficulty of importing machinery during the War, the Government should do its level best in helping the existing industries which require little machinery and which have flourished since times immemorial in the Punjab.

"The Government is to be congratulated on the decrease in crime due in a great degree to the humanitarian work of the Government in solving the problem of criminal tribes. The people have appreciated it a great deal and the coming generations of the tribe who have settled to a life of peaceful industry will welcome the wise action of the Government which may not fully be appreciated to-day by their elders.

"Your Honour's campaign against bribery and corruption in the civil administration has succeeded in the conviction of several officers. Such action is calculated to deter the wrong-doers from their malpractices and vindicate the purity of the administration. But bribery is not the monopoly of any one clan of public servants. I may be pardoned for mentioning that corruption is rampant in other departments also, and the campaign to be success-

[*Pandit Jawahar Lal Bhargava.*]

ful and extensive in operation must embrace a much wider sphere of action. There is absolutely no reason why the corrupt officials of other departments should not feel the purging effects of the Government's activity in this direction.

"With regard to the Provincial Civil Service whose members have mostly been as yet the victim of this campaign, I must say a word.

"This class of officials perform duties of a very responsible nature next only to Indian Civil Service, and its emoluments should be such as to maintain its members in such comfort and dignity as will protect them from temptation and keep them efficient throughout their service. The recommendations of the Public Services Commission for them involve on the contrary a comparative decrease in their emoluments which is quite unsatisfactory, and I would earnestly request the Government to give its best consideration to the question.

"Your Honour, all these things which I have submitted for Your Honour's kind and sympathetic considerations involve expenditure of money. I am now coming to a subject in respect of which money came last year with great rush in the words of the Hon'ble Finance Member. It is my misfortune to wish that the tide of fortune which could be able to supply so many legitimate demands upon the purse of the Government were stemmed to an appreciable degree, i.e., to the extent to which it indicated an increase in the drinking habits of the people. Your Honour, with due deference to the remarks of the Hon'ble Member in charge of this head in his speech last year I feel it my duty to point out that the Indian public would be in favour of restricting the liberty of drinking to excess, nay, it would go to the length of not raising the faintest protest if the Government penalised excessive drinking. The so-called liberty or option must not be allowed to degenerate into libertinism. The evil effects of drinking are too patent to need any mention here and the habit does involve harm to others as well. Drinking is prohibited by all the dominant religions of the Punjab and the conscience of the society is pricked by an increase in the consumption of liquor. Increase in drinking habit, therefore, is to be viewed with alarm and concern, and no effort should be spared to check and reduce it. The proper perspective of looking at the excise results is not the fiscal gain which it brings on but the uncalculated harm it does to the drunkards. In this connection I would suggest again that opening of liquor shops at the fairs should be at once totally stopped, the consumption of liquor at the premises must be prohibited by law, and if the Government deem it expedient the sale of a particular quantity only, may be allowed to an individual. Whatever the Government shall lose in revenue, it shall regain in the welfare and prosperity of its subjects.

"During the year, Your Honour, great events of political significance have happened which possess abiding interest for us all. The year 1917-18 will be regarded as a red letter day by the future historian of India. The weighty pronouncement of the British Cabinet that responsible Government was the goal of British administration in India, the coming of the Right Honourable Mr. Montagu, His Majesty's Secretary of State for India, for the purpose of studying Indian conditions and hearing what the people and the Government had to say in respect of the introduction of reforms are matters of vital interest to Indians and are expected to be fraught with incalculable good to them. The services of the Punjab to the Empire during the war are too well-known. The Punjab while doing its duty manfully, silently but earnestly expects that the benign Government shall give it its desert, and that its share in the reforms shall in no case be less than that of the major provinces.

"The world conflagration, Your Honour, has not yet subsided. The enemy is making his last determined and desperate effort to engulf the world

[*Malik Muhammad Amin Khan.*]

in tyranny and disorder. On the Western front the brave Britishers and their indomitable Allies, the French, are making a most heroic stand which evokes the admiration of the world. The Premier's message to India to redouble her efforts for preventing the menace of the enemy spreading to the East and to equip herself for the higher task of saving Asia from Germany's oppression has engendered great enthusiasm throughout India. Every person to whatever class he may belong has begun to realize that the paramount duty of the hour is to concentrate all energy and attention to the successful prosecution of the War. In fact the imperative necessity of the occasion demands subservience of all interests to the one towering end of winning the war.

"The Punjab has always been foremost and prompt on occasions like these and may well be trusted to do its part honourably and creditably under Your Honour's guidance and direction, to be benefited by which the Province is very fortunate in getting an opportunity by the extension of the term of Your Honour's office.

"The Hissar District to which I have the honour to belong has distinguished itself in the past and holds a sufficiently high position in the Province both as regards the number of recruits supplied from the commencement of the War, and contributions to the various funds connected with it. In one of the months in the end of the year 1917 it had beaten all record in India. It is proud of an aeroplane bearing its name and its place in the War Loan was, if I mistake not, as high as 5th in the Province. It has contributed liberally to the Imperial War Relief Fund and has recently established a centre of the St. John Ambulance Association. It may be counted upon as one of the districts which will spare no efforts and leave no nerve unstrained in trying to contribute its quota to the pressing demands of the occasion.

"Our cause is righteous and there is not the slightest doubt that Truth shall triumph in the long run *सत्यमेव जयते* :

"That that day of victory may soon come is my prayer, so that Indians and Britishers, fellow soldiers in the sacred cause, linked together in bonds of true comradeship and ties of eternal connection, may engage in peaceful pursuits as fellow citizens of the Empire for their common weal and mutual advantage."

The Hon'ble Khan Bahadur Malik Muhammad Amin Khan :—

"YOUR HONOUR,—Last year it was my privilege on the occasion of the Budget discussion to urge the claims of Free and Compulsory Primary Education and to enter a plea for the dissemination of the light of knowledge in Indian homes through the agency of that only effective principle which has found acceptance in all civilised countries. I am glad that Your Honour's Government has taken the earliest opportunity of doing real and solid work in this field and that my esteemed colleague, the Hon'ble Mr. Richey, has introduced in this very sitting a carefully drafted Bill based on the principle of compulsion. I congratulate Government on this wise and beneficent step, and I trust that this Bill will prove a real blessing to the people of this province and will be the means of keeping the memory of Your Honour's wise and sagacious régime ever green in their grateful minds. Your Honour, another matter to which I would like to draw Your Honour's most sympathetic attention is that of the representation of the Muslim community on the Imperial Legislative Council.

"Your Honour's Government has already accepted a resolution of this Council recommending that the future representative of the Muslim community of this province shall be elected by the free suffrage of his co-religionists as reflected through that electorate whom the Government constitutes for that purpose. The next triennial election will take place in the coming year and my Muslim brethren look forward with justifiable pride to the earliest

[*Raisada Bhagat Ram.*]

realization of the principle laid down in that resolution. At the time the resolution was discussed and passed, it was thought that its principle would be incorporated in the Great Reform Scheme coming after the war, but as the struggle seems to be prolonging and as there is no likelihood of the early cessation of hostilities, it is being anxiously felt that the Muhammadans of this province should not be left to wait until it pleases the gods to close the temple of Janus, but that they should be permitted to exercise after the model of their co-religionists in other provinces the privilege of electing their representative on the Imperial Council. I am confident that Your Honour will be graciously pleased to bear in mind this widespread legitimate desire of your Muslim subjects and will ensure that at the time of the next formation of the Imperial Legislative Council the representative of the Muslim community is one who bears on his brow the hallmark of their approval and satisfaction.

"Your Honour, the war is entering on a most critical stage and I feel that I would not be doing justice to the rural and urban classes of this province if I were not to assure Your Honour of their willing and cheerful readiness for all sacrifices in the cause of the Empire. We are eagerly looking forward to the lead which the country expects of the Conference which His Excellency the Viceroy is calling at Delhi on the 27th instant and I am only using the language of the simplest truth when I say that the martial and manly races of the Punjab may be trusted to do their duty in this grave hour of need and to bring to the central stream of Man-power and Resources a contribution in every way worthy of the great part which the Punjab has always played in the defence of the country and the Empire. And then there is Your Honour's deeply loved personality to call forth from the depths that sacrificing enthusiasm and devotion to the flag which are among the proudest traditions of my province. I view the situation with the calmest serenity and confidence and I already see the Punjab taking its ancient lead in sacrifices for the Empire under Your Honour's vigilant, indefatigable and affectionate guidance. In this connection I would just in passing draw Your Honour's attention to the very great and imperative need that there exists in the Punjab of opening a Disabled Soldiers' School on the lines of the school opened by the Bombay Government. I and the Hon'ble Rai Bahadur Lala Lal Chand had the privilege of seeing the Bombay School and we both came to the conclusion that such an institution was a most useful and noble one. Its presence in the Punjab, the centre and seat of fighting races, is an urgent necessity.

"In conclusion, Your Honour, I congratulate my friend the Hon'ble Mr. Lumsden on the skill and economy with which he has husbanded the resources of this province in the year that has come to a close and I hope that the optimistic budget he has framed for the opening year will be justified by the results that his monetary dispositions will be attended with signal success being as little disturbed by the fluctuations of the present war as those of the last year."

The Hon'ble Rai Bahadur Raisada Bhagat Ram :—

"YOUR HONOUR,—I join my Hon'ble Colleagues in offering congratulations to the Finance Member on presenting a prosperity Budget under trying conditions.

"Our needs are too well known to the Government. We want improved Sanitary conditions of towns and villages, we want free Primary Education, more Schools and a larger number of Colleges and we want pucca and well kept roads. But for all these money is needed and we know that it can be spared with difficulty in these days. I shall therefore be content having mentioned these and shall pass on to other subjects.

[*Baizada Bhagat Sam*]

"The war is the one all absorbing topic which is exercising the mind of every one. I need not assure Your Honour of our loyalty and of our staunch determination to see it through to a successful ending. We have proved our loyalty beyond a shadow of doubt. The course that the war has taken lately and the events connected with it show that though ultimately our efforts and sacrifices must be crowned with success, nevertheless we have yet to make greater efforts and greater sacrifices in the field to achieve the end in view. The Premier's call has stirred us deeply. I will not here discuss any details of what we have to, or should, do. We shall wait for the resolutions of the coming Imperial Conference at Delhi and exert our best to translate those resolutions into action.

"The Punjab has already done well in every way in connection with the war.

"Your Honour, there are a few points on which I consider it my duty to say something and to invite Your Honour's attention towards them. Your Honour's rebuke in the Amritsar Durbar about the tardiness with which some of the communities of the Punjab, such as the Khatries and Brahmaus, had come forward as recruits was perhaps just. But may I take it upon myself to say that if those classes have not hitherto joined the Army in as large numbers as would have been desirable, it is not due to any great fault of theirs. In days gone by these communities provided a handsome portion of the Indian Armies and they could boast of many great and famous generals. But for some times past entrance into the Army has been closed to them, with the result that they have had to fall back on sedentary pursuits. Their martial spirit was almost destroyed, and their enthusiasm for arms has ebbed away. The military profession thus became the preserve of certain classes only. But this was not all. Access to agriculture, a profession which is recognised by all to lead to the development of a sound body, has also been practically denied to these communities.

"In spite of these disabilities they are still anxious as much in their own interests as in the cause of the Empire to give their due contribution of recruits. They want the spark of manhood in them to be kept alive, and I am sure suitable measures have only to be adopted to be successful.

"Your Honour, it has been the recognised policy of the Government to try to foster, by preferential treatment, those desirable qualities which any community lacks. I, on behalf of and in the interest of these communities, ask for similar preferential treatment. Through disuse this limb of the State has become stiff and withered; and we must resort to special methods to restore it to its previous healthful condition. My humble suggestion is that this special encouragement for these communities should take the form of granting them Commissions in the Army and other higher Military appointments on a fairly large scale. I may point out that when once the handicap of physique and the disinclination born of their sedentary occupations is overcome these communities on account of their undoubtedly superior mental equipment are bound to provide a certainly more intelligent soldiery, a distinctly superior type of officers. Moreover the loyalty of these communities is beyond doubt for being the propertied middle class their sympathies and inclinations are all on the side of law and order.

"There is another point on which I must invite Your Honour's attention. It has always been an anxious wish of the well-to-do classes and of the people specially in the towns to be allowed to keep arms for their safety and protection. That desire has been greatly accentuated by the war and the recent events. I do not put forward a request for the repeal of the Arms Act, or, for its provisions to be disregarded in practice, but I do feel and urge

[Raizada Bhagat Ram.]

before you that the unnecessary hardships of its working should be altogether removed. The District Authorities unfortunately always strict in granting licenses for arms have, since the outbreak of the war, when the needs of the public have increased in that respect, become still more strict. Not only are they miserly in granting new licenses but old licenses are withdrawn on the grounds of the licensees not having helped the Government with men and money. I am strongly of opinion that this policy should be disapproved and the granting of licenses made freer and easier; my prayer therefore is that all the better classes of people, say all public servants getting a salary of Rs. 100 per month or above, all members of the legal and the medical professions, jagirdars, and all others who pay income-tax, should be freely granted licenses without undergoing a humiliating enquiry at the hands of low class police officers.

" Your Honour, mention of the police leads me to draw your attention to this Department next. The peace of the land and the security of our goods and chattels depends on the police. The character and the conduct of any public body that has got the power which is vested in the police should always be above reproach. The Police should inspire trust and confidence in the people, so that the people are ever willing to co-operate with it actively. But I regret very much to say that its character is not such as to inspire confidence and its conduct is not always above reproach. So much is the Police dreaded that the people prepare to suffer a wrong rather than seek to set it right through them. We were more than satisfied by the firmness Your Honour adopted to check corruptions in the judiciary, but I may be permitted to remark that it is the police which needs a still firmer treatment and a much more thorough overhauling. May I also point out that the hold of the police on the judiciary, great as it was before, has become greater still since the enquiry into the corruptions of the judiciary was entrusted to it. The enslavement of the judiciary by the police is a thing extremely disquieting to the people and one not at all in the public interest.

" Your Honour, as an instance of the loss of esteem which the police has suffered in the eyes of the people may I mention the change in the feelings of the public towards those who are in any way connected with it; its voluntary non-official helpers and the zaildars and the lambardars. The lambardar is no longer the headman of the village enjoying the trust and the respect of the villagers but he is now the much dreaded and much mistrusted servant of the police.

" We cannot blame the lambardars and also the zaildars for this mistrust. The method of their appointment is such as to make them the agents of the executive rather than the servants of the public. We all desire the punishment of the guilty and the unmasking of crime, and it is because of this desire that I would like to see better co-operation between the people and the police. The only way of securing this co-operation, which suggests itself to me, is the restoration of that fundamental principle, that, such officers of the village and the police should be looked upon as servants of the people rather than as their officers. A change in the methods of appointment of the zaildars and lambardars should not be appointed by the Executive but should be elected representatives of the people. In following this suggestion as regards the zaildars we shall only be going back partly to the old procedure when the zaildar was elected by the majority of lambardars.

" The appointments in the police, too, up to the grade of Inspectors at least, should be made in consultation with the local bodies if not made direct by them. The great advantage of this scheme would be that the people will have a hand and a voice in choosing their protectors, and if their choice is a bad one they will have only themselves to blame for it. The Government

[*Raizada Bhagat Ram ; Mr. Maynard.*]

will thus be spared a great deal of the odium which it draws to itself on account of the police. I would venture to suggest that a mixed committee of officials and non-officials be appointed to enquire into the defects of the present system and to suggest remedies for their removal.

"Coming to kindred problems, Your Honour, it is a matter of great satisfaction to us that crime is steadily decreasing in this province. But may I be pardoned if I draw your attention to two of the disabilities among many, under which a person undergoing a trial labours. It used to be the practice some time back in the Punjab, and I believe it still is in the United Provinces, for the zinnis to be copied in a regular register kept in the police station. This unfortunately, for the accused, is not the practice now.

"The zinnis are no longer copied in any such register, and being written on loose sheets of paper new matter can be interpolated in them at subsequent stages of the case. May I suggest that the old practice of keeping a copy of the zinnis be restored ?

"The other disability which the defence suffers from is imposed by the recent order of the Government by which a medical man in Government service is forbidden to appear as witness to contradict the statement made in court by another medical man in Government service. As there are not many private practitioners available this order makes it difficult for the defence to disprove wrong statements, made through ignorance or other motives, by a Doctor in Government service. May I request that this order be reconsidered in the light of this criticism.

"Now I turn to the very pleasant duty of congratulating Your Honour and the province on the extension of your term of office. It is a great pleasure and honour to us to work as your councillors and we are glad that the period of our co-operation has been extended. We are also thankful through that extension that Lady O'Dwyer will be with us for some time more, and that the Punjab will be benefited by her noble and selfless activities."

The Hon'ble Mr. Maynard :—

"YOUR HONOUR,—When I rise to address this Council on the subject of excise I feel that I am in a somewhat difficult position. I stand in the position of an accused person who comes before a judge who has probably made up his mind beforehand as to his guilt, and the criminal has therefore an extremely small chance of an acquittal. When I listened a few moments ago to my friend the Hon'ble Raizada Bhagat Ram pleading for some consideration of the accused in certain matters in connection with their trials in criminal courts I felt that I wished that some of that sympathy which has been bestowed on other criminals might be shown to me also. As I have said I do not expect to be able to change the verdict of the court, but I will venture to put forward one or two facts in mitigation of the sentence. The most distinct charge which has been made before this Council against the excise administration, is, as I have understood, that it does not discourage excessive drinking. Well, on that point I will confine myself to saying that the most effective method, short of a complete abrogation of the liberty of the subject—a principle on behalf of which I certainly should constitute myself a champion—the excise administration of the Punjab is taking measures which I think, I may fairly say, have a very marked tendency in the way of discouragement of excessive drinking. I am referring in particular to the measures which are now being taken in a good many districts to put a stop altogether to the sale of liquor for consumption on the premises and to require the purchaser to take his liquor in a certain fixed minimum quantity in a sealed bottle and to consume it off the premises. The advantage of this system from the point of view of the temperance reformer is this that the system puts an end to the

[*Mr. Maynard.*]

practice of sitting about in the shop and to the practice of treating of one another with the resulting consequence that people drink somewhat more than they really wanted or more than they originally intended. People who are impatient of the progress made in its introduction may be inclined to tell us that we are not advancing rapidly enough in the direction of the spread of this particular system. As to that I may say that in the year that is now beginning the system in question has been extended to four new complete districts including the two important colony districts of Lyallpur and Shahpur and also two districts in the Jullundur Division. I think I am right in saying that the two are Jullundur and Ludhiana. The only reason that the system is not extended more rapidly is that owing to the way there is a considerable difficulty in obtaining an adequate supply of bottles. As soon as we are convinced that the supply of bottles will be sufficient to meet the demand it is the intention of the excise administration to extend this reform system still further. So much, Sir, for the attitude of the excise administration in respect of consumption of spirits.

"In regard to the particularly deleterious drug, *charas*, the action taken in the beginning of the present financial year is this. The number of shops which some ten or twelve years ago had already been very substantially reduced has been further diminished by 23 per cent. At the same time the taxation of the article upon importation has been raised from Rs. 14 to Rs. 18 a seer. That, as you will see it, is a rise of something like 28 per cent. It is a curious irony and it shows how extremely difficult it is even for the most vigorous attempts at reduction to produce results, that, notwithstanding this very great reduction in the number of shops and notwithstanding the very considerable enhancement in the direct taxation of the article, there has also been a very substantial rise in the amount of the vend fees. The result is that with the dearer article and the largely diminished number of shops we nevertheless are in receipt of a very much larger and increased income under that head from vend fees. These, Sir, are the pleas of the present excise administration in mitigation of the sentence. Now, Sir, I feel what I am going to say is that I am like one who steps down temporarily from the criminals' dock and finds himself still before the court though rather as a defendant upon civil process than as a prisoner at the bar.

"I am now going to refer very briefly to the subject of sanitation upon which I recently had occasion to address the Council at some considerable length. It has been said by one Hon'ble Member in the course of this debate that it really was high time that the Sanitary Board learnt to spend some of the money which is placed at its disposal. Well, Sir, the Sanitary Board do not deal with the whole of the expenditure upon sanitation though they deal with a very substantial share. The sum placed at the disposal of the Sanitary Board was 4 lakhs. We spent our 4 lakhs. We asked for another one lakh and we got the other lakh. We tried our best to spend it, but we only succeeded in spending Rs. 70,000. However, we did succeed in spending Rs. 70,000 more than the original allotment which was made to us. We should have been delighted to spend the extra Rs. 30,000, but we were absolutely at a loss to find any scheme to spend it upon and therefore we were unable to do so. Well, Sir, I heard from the lips of my Hon'ble friend, Mr. Ram Saran Das, this remark—

" "This year the Sanitary Board again has the same old four lakhs."

"Let me assure my Hon'ble friend that it is not the same old four lakhs. That sum and more has been spent. We now have an entirely new four lakhs. And, if the Sanitary Board should be successful in spending before the close of the financial year the whole of this amount I have not the least

[*Mr. Maynard ; His Honour the President.*]

doubt from my former experience that Government will — supposing the money is available — be prepared to place at our disposal a still larger sum.

“ One more remark I feel that I must make on the subject of sanitation. The discussion which took place some few weeks ago on the subject of sanitation had an effect which I always welcome, that is to say, it makes me look into the matter and see if after all I and those who work with me really have been so remiss and neglectful of our duties, as my Hon'ble friend said that we had been. I asked myself—Have we really neglected entirely the duty of rural sanitation? Is it true that Government has done absolutely nothing in the way of grants for drainage schemes for large tracts of the country? When I gave attention to this subject, I got the true solution of the matter. The true solution is this that expenditure on a very large scale has been habitually misclassified. The Irrigation Branch has spent and is spending and will spend very large sums on the drainage of very large tracts of the country. None of that expenditure figures, under the head of sanitary expenditure and yet the whole of it is in reality of that character. It appears to me that it will be a change for the better if we recognise that this is sanitary expenditure, and I am now recommending to the Sanitary Board to take steps to see that the classification should in future be an accurate one.

“ Next, Sir, is the subject of land in the canal colonies. It is a matter in which I feel very strong sympathies with those who have spoken on the subject. We have been told that generous as is the allotment on behalf of soldiers yet it should be, if possible, still further increased. Well, Sir, it is just as well to mention what the Government has done or may be expected to do. The amount of land originally earmarked for military reward grants was, I believe, I think I am right in saying, exactly 100,000 acres. That was approximately one-tenth of the whole of the area on the Lower Bari Doab Canal, but Government further increased this grant to 178,000 acres, that is to say, an additional 78,000 was added.”

His Honour the President :—

“ Additional 75,000.”

The Hon'ble Mr. Maynard :—

“ This is not the whole story of the generosity of Government in this particular respect—what I will call perhaps a suitable recognition of the great services rendered to the country. We discovered at a certain stage in the history of the Lower Bari Doab Colony that there had been a very great miscalculation as to the area of really culturable land. The miscalculation was due to the fact that the true character of large areas had been misunderstood and wrongly recorded. The actual area of suitable land was found to be less by fully 25 per cent. than the area as it was originally calculated. Normally, when one discovers that instead of 100 acres one has only 75 available one sets to work to make a sort of rateable reduction in one's commitments. But notwithstanding that fact no reduction has been made in the allotment for military reward grants. They remain still at the same figure—178,000 acres—notwithstanding the very substantial reduction in the total area available for distribution.

“ Then, Sir, I heard a criticism on the subject of the area which has been reserved for purposes of auction. Well that area was 1,25,000 acres—approximately one-tenth of the whole area. When the error in classification was discovered it became necessary to reduce the land allotted to different heads, and the area which was available for auction was very largely cut down. The precise amount which now remains is still a matter under consideration between the Punjab Government and the Government of India. But it must be

[*Mr. Maynard ; Bakhshi Sohan Lal ; Mr. Lumsden.*]

understood what was the object with which this land was earmarked for auction purposes. It is not only in the fiscal interests of Government that this arrangement is made. It is also an attempt to keep the balance even between the claims of the different classes. It is only the so-called agriculturists who can hope for an allotment of land in the ordinary course. It was felt that it was right also to keep some open for those who were not so classified. The object of selling land by auction, at least one of the objects, was to give an opportunity to these other classes to obtain land. Well, Sir, it is a mistaken notion to believe that it is only the people of certain recognised castes who are capable of agriculture in a successful form. The very best agriculturist on a large scale whom I know is a member of a tribe which is not notified as an agricultural tribe at all. Then, Sir, there is one more point of some interest which I should like to mention before I close. My friend, the Hon'ble Bakhshi Sohan Lal, said, and said with much regret no doubt, with which every one including myself sympathise, that it was a great pity that Government has not up to the present time reopened entries to the Indian portion of the Indian Defence Force. In saying that he was under a misapprehension. On the 30th of April a notification was issued by the Government of India as follows :—

“ In pursuance of section 12 of the Indian Defence Force Act, 1917 (III of 1917), as amended by Act No. VIII of 1918, the Governor-General in Council is pleased to declare that in the local areas specified in the first column of the statement below persons other than European British subjects who satisfy the prescribed conditions and offer themselves for enrolment for general military service may, for so long as this notification continues in force, be enrolled accordingly in the units specified in column 2 up to the establishment noted in column 3. Then it gives the schedules in which the local areas of the Punjab and North-West Frontier Provinces are shown as having the authority to join the 6th Lahore Indian Infantry, Indian Defence Force, Indian Section. The establishment is to be of 1,000 men.”

The Hon'ble Bakhshi Sohan Lal :—

“ PERHAPS this notification has not been published in the *Punjab Gazette*. I have not seen it.”

The Hon'ble Mr. Maynard :—

“ I did not say anything in the way of reproaching the Hon'ble Member. This is a subject on which we should all congratulate ourselves and on which we should all be glad to have our error corrected.”

The Hon'ble Mr. Lumsden :—

YOUR HONOUR,—The Hon'ble Mr Maynard has compared his position to that of a criminal before this Council, but as the arch criminal my case as compared with that of my Hon'ble colleague is much less favourable. I stand rather in a position of one who after a series of previous convictions finds himself suddenly called upon to plead at a moment's notice after sentences have been passed for every conceivable crime.

“ So far as I understand the position, I have been held responsible for everything, from the prevalence of malaria to the failure to spend the current year's grant for the improvement of the pay and prospects of teachers. I have already explained in my Memorandum, which I have been assured is widely read, that there is very little responsibility on my shoulders for failure in the matter of expenditure. All I can do is to allot what is available to the various heads of departments and leave them to do the best they can.

“ Although I feel that my position is rather hopeless I should like to say just a few words in connection with some minor points which have been raised

[Mr. Lumsden.]

during this discussion. In the first place I might begin by expressing my thanks to those members who responded to the invitation to consider the question of assimilating the proceedings of this Council to the new procedure in the Imperial Council. The remarks which have been made will be carefully borne in mind. I have already pointed out that it is not within the powers of the Local Government to make any changes, but I can assure those members who have spoken on the subject that their remarks will receive full attention.

“As regards the general complaint of under-estimating of revenue and the over-estimating of expenditure I have done my best in my previous speech to explain how the trouble arises and I fear I can add nothing to the explanations therein given. I think, however, the Hon'ble Members will find that very much the same thing has been happening in other provinces. As regards the large surplus balances I need only point out again that our balances are extremely useful to the Government of India at a critical time like the present and do something towards solving some of the serious financial difficulties with which they are faced.

“To that extent we may at least rejoice that we are able to render, in this way, some slight measure of assistance to the Imperial Government even if it means the postponement for a while of some of the claims which are being pressed for the further development of this province, and even though our balances are only a drop in the ocean of Imperial expenditure.

“The Hon'ble Chaudhri Lal Chand, I am sorry he is not present here to-day or perhaps he might have been able to explain his position, animadverted on the disproportion between the grants given to Municipalities and those given to District Boards. I was puzzled at the time and have obtained figures to show whether the Municipalities were receiving very excessive share of all the good things going with the result that I am still quite unable to understand what was meant. I have before me a statement giving the figures of 1916-17 (those for 1917-18 are not yet available) and I find the contention of the Hon'ble Member is altogether untenable. Of course, as regards Sanitary Board, I admit that in the majority of cases the grants are given to Municipalities, but as has already been explained on more than one occasion in answer to questions in this Council, it is almost impossible for Sanitary Board to obtain any schemes for rural areas. The board, as you know, treats any applications from rural areas very much more tenderly than those from municipal areas and in their case we do not even insist on the half and half contribution rule. In the circumstances if rural areas do not receive their fair share they have only themselves to blame. Apart from such grants the total grants to District Boards in 1916-17 amounted to Rs. 24,93,000 as compared with a total of Rs. 7,38,000 given to Municipalities. In the face of these figures I find myself quite unable to understand on what the Hon'ble Member's statement was based. The same member has also complained that the Education figures were not shown in a satisfactory way. I am glad to say that in answer to representations made by this Government we have been allowed to return to our old method of showing such grants. We shall now be able to show the grants made for Education under the heads—Maintenance grants, Building grants, Furniture grants, and grants for training classes. Under the Maintenance grants we shall distinguish grants paid to colleges, to aided schools, paid to local bodies for secondary schools paid to local bodies for Vernacular Education—

(a) for primary schools.

(b) for middle schools.

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(c) grants for European education.

(d) miscellaneous grants.

"This will be a great improvement on the present system which was insisted upon by the Accountant-General under which we show grants to local bodies under 'Government School—General.' As a matter of fact the difference will be enormous. We could only show Rs. 8,24,000 under 'Grants-in-aid,' while no less than Rs. 23,28,000 figured under the Minor head 'Government Schools—General.' Out of this Rs. 23,28,000 no less than Rs. 14,54,000 represented payments to Municipal and Board Schools.

"My Hon'ble friend Rai Bahadur Ram Saran Dass has made some remarks about the 2 lakhs which we are placing at the disposal of the District Boards for the improvement of metalled roads. He considers that the position taken up was inconsistent. Here again I have not been able to understand the criticism. We departed, I admit, from our general principles that car-marked grants should not be given in order to meet his wishes, but the money must be shown in the proper head of expenditure, namely, head '45 Civil Works in charge of Civil Officers.' Had we done anything else the Accountant-General would have objected. The grant is not part of the ordinary grant, but is a special grant given under special circumstances, which, as I have already explained, are more or less directly due to the war. Railway restrictions have led to an unusual strain on the roads, and District Boards have consequently been put to extra expenditure on maintenance. I might perhaps at this stage also correct a statement made by the Hon'ble Member in moving the resolution. He argued, or at least he implied, that the grants to District Boards for roads were very meagre and ungenerous, and compared unfavourably with the proper rates of maintenance. I have had a statement prepared since the resolution was moved which shows that our total grant for maintenance of roads is Rs. 35,26½ more than the average expenditure for the three years immediately preceding the grants. The figures, however, are really much more favourable than they appear because the three years in question on which the average is based, included expenditure met by the aid of special grants made by the Government for the purpose. If we take the year immediately preceding the war the difference in favour of the District Boards under the new system amounts to no less than Rs. 1,79,766. The Hon'ble Member also suggested that copies of the printed civil estimates should be supplied to all the members. I explained in answer to a question on the subject that we had issued stringent instructions for economy in the use of stationery. We do not therefore propose to introduce any change until after the war. The reasons given are, I think, quite valid. But meanwhile I shall be glad to supply any member of the Council who is sufficiently interested in the subject to apply for a copy. But thus we cannot undertake any general distribution to members until after the war.

"The Hon'ble Dewan Daulat Rai has made some remarks about the unexplained reduction of expenditure on education. I am afraid, I have not been able to discover exactly what his difficulty is. He complains that the Financial Secretary has made no mention about this reduction in his Memorandum. I have looked up the Memorandum, which I have with me, and I find that I have explained most carefully in paragraph 11 that reduction under the head 'Education' was due to the fact that a special grant of one and three-quarter lakhs for improvement of the pay and prospects of teachers had been received, and it had not been found possible to spend the money during the past year. I can find nothing to justify the Hon'ble Member's remarks.

"Then the Hon'ble Member Pandit Sheo Narain expressed some fears with regard to the provision made under the head 'Law and Justice.' I may

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relieve his anxiety at once by explaining that the differences are purely nominal. In one case the reduction of Rs. 14,000 occurs under the head of 'Salaries.' That is due to the fact that the officiating Chief Judge made over charge at the commencement of the vacation, but the present Chief Judge did not arrive in Lahore till after the vacation. Consequently no pay was drawn by the Chief Judge out here during the vacation. The rest of the difference as regards salaries is due to a reduction in exchange compensation allowance. In the case of the Rs. 28,000 relating to the processerving establishment, the reduction is merely a transfer to another head. Under the old system the Civil and District Nazarat were combined, but under the scheme recently introduced they have been separated and consequently the Rs. 28,000 previously debited to 'Law and Justice' on account of processerving establishment is now transferred to its proper head '3—Land Revenue—General Administration.'

"I do not think I need detain the Council any longer with any further remarks on the Budget. I should like to again thank the Hon'ble Members who have been kind enough to refer to my efforts in terms of approbation. I must again remind the members that the Financial Secretary depends very largely on his Under-Secretary. We have controllers for very large numbers of commodities in this country, but so far no controller has been appointed for the commodity called midnight oil and consequently the Under-Secretary, Finance, is still allowed to do an amount of work which I am certain will come under the ban of that controller when he is appointed. I can only express my great indebtedness to him for his unselfish and constant efforts to keep pace with the work which has increased very largely in consequence of the war and which has been, in many ways, extremely intricate and difficult. And I must not forget that the office has co-operated most cordially. They have seldom been able to enjoy any holiday in the cold weather. They have often to work very late and have had to attend office even on Sundays. With regard to myself, I may perhaps be permitted to say a word of personal explanation as this is probably the last occasion on which I shall have the pleasure and honour of replying to the Budget discussion. The lot of the Financial Secretary is not altogether a bed-of roses. He is a target for all the slings and arrows and he must be prepared to take the blame for anything that goes wrong with the administration, possibly whether he deserves any part of it or not. One very good instance of the way the Financial Secretary gets blamed both ways is to be found in connection with last year's opening speech I made what I considered a very moderate speech and was pluming myself on having attained the *via media*. At the close of the meeting I was tackled by one of my colleagues—evidently with a soul above finance—who expressed himself strongly about the length of time occupied by my speech. I silenced him by threatening to read on the next occasion the whole of the dismal document called the Financial Memorandum. But I was amused a few days later to see an article in a local paper which with a typical disregard of facts complained bitterly that the Financial Secretary in this Province never made a speech of a decent length, but contented himself with merely introducing the heads of the Budget which stood against his name and sitting down. I am not one of those fortunate individuals—

'who on the top of their persuasive tongue'

'carry all arguments and questions deep'

and knowing my limitations I have always endeavoured to be, if I may again indent on Shakespeare,

'Wordless in deed and deedless in my tongue.'

"I do not think that the use of simple language is altogether a disadvantage in the case of the Financial Secretary because the subject he has to deal

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with is of some considerable complexity and it is desirable that the matter should be explained in plain and straightforward terms, even though we may all miss the delights of oratory. I do not think I need say anything more. I have endeavoured during my term of office to distribute things as fairly and as justly as possible. If I have resisted some claims made by more pressing departments, it must be remembered that one must not overlook those departments which do not bulk so largely in the public eye but which are none the less most useful adjuncts to Government. I shall be content if my epitaph takes the form of an unsolicited testimonial which was presented quite unwittingly to a well-known English Judge. The late Mr. Justice Hawkins had just pronounced an order in a case in which two workmen had been concerned. The workmen had failed in the case, orders in which had been pronounced just at the rising of the Court and the Judge being in a hurry divested himself of his robes in quick time and found himself in the street just behind the unsuccessful litigants. He was then able to hear the following conversation:— 'I say, Bill! yon Judge is a fool.' Bill replied, 'Aye, he is an adjective fool'; the first speaker returned, 'He is a double adjective fool, but he did his best.'

His Honour the President:—

"GENTLEMEN,—For the fifth year in succession I find myself in the happy position of being able to congratulate the Financial Secretary, the Council and the Province on a prosperity Budget.

"During the last 5 years while our expenditure has steadily grown our income has risen in a greater proportion. The war has caused no set-back to our finances; indeed it has in some ways strengthened them owing to the increased demand for, and the higher prices of, the raw materials the production of which is still our chief asset. At the same time, in conformity with the general policy of the Government of India, we have in recent years cut down all fresh expenditure not of an emergent kind, and the result has been to accumulate a balance which perhaps exaggerates our financial prosperity. With this warning note I may sum up the position for the past year as follows. Our income exceeded the estimates by 26 lakhs, while the expenditure fell short of it by 38 lakhs, raising our estimated balance to 190 lakhs. The Financial Secretary in bringing forward the Financial Statement gave lucid, and I hope convincing, explanations of the differences. The surplus, in so far as it is due to our inability to spend up to our estimates owing to war restrictions, difficulties in regard to material, absence of officers on military duty, is a merely temporary and artificial saving, which we shall have to give up as soon as conditions allow. But the progressive increase of our revenues under almost every head, even after discounting that portion of it which represents the realisation of our capital, justifies us in launching out on a more liberal policy of expenditure.

"2. Accordingly in the coming year we budget for an income of 550 lakhs—31 lakhs above our estimate for the past year—and we hope to spend 549 lakhs, or 1 lakh more than we arranged to spend and 69 lakhs more than we shall probably have spent within the past year.

"3. If those estimates are worked up to—and I am in full accord with the Hon'ble Members who urge that we should make every effort to give effect to our schemes and avoid lapses—we shall finish the year with a balance of 191 lakhs to our credit. That is a very satisfactory position, but here too we must remember that nearly half of that balance is derived from sales of Government land, or in other words a capitalization of our assets to the extent of nearly a crore. It is obviously in accordance with sound finance that we should endeavour to invest at least that amount of our balance so as to obtain a recurring revenue, and it is now proposed to take such action as is possible in that direction. Our estimates of income for the coming year, though they show

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an increase under almost every head over the revised estimates of the past year, have been criticised in some quarters as over-cautious. In past years I have often taken a more sanguine view than various Financial Secretaries, but in the present instance he seems to have gone as far as prudence would allow. Take one of our main sources of revenue—Irrigation Major Works. Here we have budgetted for 14½ lakhs, 5 lakhs above last year's revised. That estimate was based on the fact that in the past the Irrigation Department has been over-modest in its estimates, and on the assumption—reasonable enough at the time—that there would be a progressive increase in irrigation in this and the coming harvest. But the actual figures of areas irrigated for the present rabi show a falling off of 5 lakhs of acres as compared with last year, chiefly on the Sirhind and Western Jumna Canals where the ample monsoon rainfall reduced the demand for water. That means a drop of, roughly, 20 lakhs in water-rates, of which the provincial share would be 10 lakhs. We may therefore at the end of the year find ourselves considerably down under this head, and I shall be glad to find the deficit made good by unexpected increases under others.

"4. On the expenditure side nearly every head profits by our increasing prosperity, for we have allotted no less than 4½ lakhs of which 1½ lakhs are recurring—for new expenditure, and on behalf of the Council I desire specially to thank the Members of the Finance Committee—now a strong representative body—for the pains they have taken to secure an equitable distribution of what is known as the unallotted expenditure.

"The greatest additions as compared with the last year's Budget figures are under the heads of Land Revenue (4½ lakhs), Forests (4½ lakhs), Education (8½ lakhs—including 2 lakhs Imperial grant and excluding an additional 5 lakhs for educational buildings), Agriculture (5 lakhs as compared with the revised estimate), and Civil Works (7 lakhs). By these increased allotments we hope to improve the efficiency of these departments generally, to raise the salaries of some of the poorly-paid revenue officials, to enlarge the operations of the Forests and Agricultural Departments, which, as Hon'ble Members testify from their recent visit, is yearly assuming a greater importance in the progress of the Province, steadily to extend our grants for education, especially primary education, for the promotion of which separate legislation has been undertaken, and to provide liberal expenditure on Civil Works and especially on roads.

"5. Those are objects which appeal not only to the Hon'ble Members who have pressed their claims in this debate, but to all who are interested in the welfare and development of the Province. I would say a word in particular about roads. Roads are things which most of us take for granted; if they are good we say nothing about them; if they are bad we don't hesitate to vent our wrath on the Public Works Department or the District Board responsible. When I came back to the Punjab five years ago one of the first things that struck me was that while we had gone ahead of other Provinces in many respects, in our roads we were inferior to many. Since then the policy of improving our roads—whether under the Public Works Department or under District Boards—has been steadily pursued, and not only has there been a steady extension of metalled roads but a most noteworthy improvement in their condition. Hon'ble Members, and particularly Mr. Aikman, will be glad to hear that visitors from other parts of India, of whom I meet many, now bear testimony to the excellence of our Punjab roads. We must try and maintain that high standard, and we have therefore provided 7 lakhs extra for provincial roads besides 4 lakhs for Colony roads, in addition to the extra 2 lakhs which, as promised at last meeting, we provide to assist District Boards in making new metalled roads; and though expenditure of this kind shows no return—for from 1st July we shall have abolished all tolls except the single

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one on the Murree road—all Hon'ble Members will agree that it is of the greatest value to the community. I may explain, however, that the carrying out of our Public Works Department programme, including roads, will depend on our obtaining better Railway facilities for the transport of materials, especially coal and stone, than are at present available. However, I must not let the Public Works Department or District Boards run away with the idea that they have done their whole duty in the matter of roads. Far from it. Our roadside arboriculture is still in many cases deplorable for want of an intelligent working plan to be consistently carried out by expert agency. I will say no more except that for a road in this country good shade is almost as important as a good surface.

"6. I need only mention two other directions in which we are endeavouring to help local bodies to meet their obligations to the public. For the last two years Government has been impressing on District Boards the need for opening more rural dispensaries, and to encourage their efforts we are providing a special grant of one lakh for building grants. If this scheme proves successful it is one that can be expanded in future years, for the extension of medical relief is as essential as the extension of education, though it does not always receive equal consideration from local bodies.

"7. Finally, under the head Miscellaneous come our consolidated grants to District Boards amounting to 10½ lakhs. Some Hon'ble Members, whose suspicion that Government is always trying to get the better of local bodies in financial adjustments amounts to an obsession, have criticised these grants with more vigour than understanding. To my mind the system now adopted, which we owe to the initiation of the Commissioner of Rawalpindi, is one of the most valuable advances in local self-government hitherto taken in the Province. A large measure of fiscal independence is as essential to the autonomy of local bodies as to that of local governments, and we can claim that even before the Government of India had taken up the question *quæ* local governments, our local government had taken it up *quæ* local bodies. It is because I desire to avoid fussy interference with local bodies, whom we are endeavouring to train in responsibility, that I deprecate questions in this Council as regards small details of their administration. The Board concerned is the proper place in which to make such enquiries, not this Council, which has no time to waste on petty matters of local concern.

"8. I will say only one word more about the Budget. Our discussions have not produced a large number of resolutions on matters of detail which lead to little result. But I believe the reason is that Hon'ble Members, and I am speaking in particular of the non-official members, have through the Finance Committee, and by the questions, resolutions and discussions in Council obtained a good knowledge of the working of our finances and have realised that Government is only too glad to meet all reasonable calls for information and all practical proposals for the better utilisation of our resources. Government welcomes the suggestions now made by Hon'ble Members for increasing the facilities for discussion on the Budget and will carefully consider how far they can be given effect to before next year's Budget meeting.

II.—ECONOMIC SITUATION.

"9. The year just closed has been one of unusual climatic vagaries which have left their mark on the agricultural and economic situation. A comparatively poor spring harvest last year, owing to unusual drought, kept prices high and reduced the surplus of grain available for export. Then followed an early and abundant monsoon which gave promise of a splendid autumn crop; but excessive rains in September and October over most of the Province had disastrous results

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not only to the public health, but to cotton and to all crops but fodder, rice and sugarcane. Grain continued scarce and dear; the yield of cotton was less than half the normal, but the abnormally high prices helped to save the situation. Suspensions of revenue where desired by the people were freely allowed, and the canal rates were remitted on an area of no less than 425,000 acres in the tracts that suffered most from excessive moisture. That moisture, however, enabled an unusually large area to be sown for this rabi, and though the rains held off till the end of February, they have since been abundant and the crop now on the ground, given fair weather for harvesting, is expected to be the most plentiful we have had for years. Prices have continued high throughout the winter, but would have been much higher had not Government several months ago prohibited export of wheat not only to the seaboard but also to other Provinces. They are now beginning to fall; and while Government realises that the producer here is entitled to a share in the world-wide rise in prices, it will continue to take measures to render the situation easier to the consumer, who now naturally expects some relief from the abundant harvest.

“Wages are unusually high owing to the great demand created by the war. It is calculated that over 300,000 men from the Province are now serving in the army and auxiliary services, and a rough but cautious calculation puts their income from service at 60 lakhs a month, of which it is believed that some 35 lakhs a month is saved up or remitted to their homes. In one small and remote hill tahsil of the North Punjab I was informed a few weeks ago that the remittances through the Post Office from men serving outside were between Rs. 80,000 and 90,000 monthly. So to many people the war has brought not only honours but affluence.

“10. The middle classes in the towns—and especially those on fixed incomes—are, however, hard hit by the high prices not only of food-grains but of other necessaries—salt, cloth, kerosine oil. Those are partly due to the shortage of railway facilities. We are in constant communication with the Railway authorities to remedy this shortage so far as the strain created by the war allows, and I am happy to say that within the last few weeks the whole railway system in the Province has been opened to general traffic. But the prices have also been forced up in some cases by the process known as “profiteering.” We are endeavouring to deal with this by obtaining facilities for local bodies to purchase and sell such necessaries as firewood, salt, kerosine oil. Those measures have already eased the situation in some of the large towns; but we have now put the Hon’ble Mr. Townsend, Director of Industries, on special duty to advise Government and local bodies as to the action to be taken; and, as explained by him in reply to certain questions, if it is found necessary Government will not hesitate to take such further measures as may be suitable under the War Ordinance which gives power to regulate prices of certain commodities. At the same time, in the case of lowly-paid Government servants we are pushing through schemes for improving their pay as far as the financial restrictions imposed by the war allow, and the answers given to questions at the meeting will, I hope, have satisfied Hon’ble Members and the public that Government is not neglectful of its obligations to its servants.

“After two years’ comparative immunity plague, favoured by a wet autumn and a rainy spring, is again widespread in the Province. The epidemic is, I fear, very severe in the central districts and in the city of Multan, but the death-roll for the first quarter of the year—39,000—though serious is still very far below that of 1915, which amounted to 100,000; and we can only hope and pray that it will run its course before the monsoon rains set in. I agree fully with the Hon’ble Members who have pointed out that the heavy toll taken from our population by plague and malaria justify a more liberal expenditure on sanitation, and if the Sanitary Board

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find themselves in a position to spend with advantage more than their present allotment, Government will make every effort to furnish extra fund.

III.—INDUSTRIAL DEVELOPMENT.

"11. Many Hon'ble Members have commented on our backward industrial policy. As you know, the Industrial Commission carried out a detailed investigation into the existing conditions and future possibilities of industries in the Province during the past winter, and we anticipate valuable assistance from their report which is now under preparation. It would be presumptuous on my part to endeavour to forecast their conclusions, but I put forward a few broad considerations for what they are worth.

"The Province is essentially an agricultural one. Within the last 26 years population has increased by only 5 per cent, while owing mainly to irrigation enterprises the area under cultivation has risen by 40 per cent. (canal irrigation having advanced from 3 to 10 million acres) while the outturn has probably doubled in quantity and also doubled in value; the average value of land which in 1870 was less than Rs. 10 per acre is now Rs. 227 per acre and is steadily rising (having doubled even within the last 10 years) as a result of increased irrigation, improved communications, better methods of agriculture, and a very lenient assessment. In 1870 land sold for between 5 and 10 times the then land revenue, it now sells for over 150 times the present land revenue and is still regarded by those who are in a position to purchase it as the most secure and profitable investment for capital. Some captious critics try to belittle our agricultural prosperity and suggest that it is a poor substitute for industrial expansion. I do not hold with that view myself nor do I think it reflects the opinion of the Province. At the risk of being considered sentimental I agree with the poet who wrote—

'But a bold peasantry their country's pride

'When once destroyed can never be supplied'

and as long as our people can find a comfortable livelihood on their lands I would prefer to see them employed there rather than in the great factories in the towns.

"Industrial enterprise is at present hampered not only by the competition for land, but also by the paucity of industrial labour (for the land provides ample scope for our slowly increasing population, and I may assure the Hon'ble P. Jawahir Lal, we have other great irrigation projects under consideration which would primarily benefit the dry districts of the South-east Punjab) by the consequent high rate of wages, by the absence of big industrial enterprises, by the dearth of business capacity as proved by the number of banks that failed in recent years owing to fraud or incapacity in the directors or managers, and finally by the absence of iron and coal of good quality and of other minerals.

"12. At the same time I realise that it is desirable, particularly in view of the altered conditions created by the war, to undertake a more active policy for the encouragement of old and the promotion of new industries, where these are likely to succeed, because, firstly, Government as owner of the forest and mineral rights controls much of the supply of raw materials; secondly, much of our local produce—grain, cotton, oilseeds, hides, bones, &c.—is now exported as raw material, which might be manufactured locally, and either consumed locally or exported; and, thirdly, owing to our system of land laws there is a large amount of capital which is shut off from investment in land and is seeking some other outlet. I have placed these and other considerations before the Industrial

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Commission, and though the natural limitations I have indicated must prevent us from forming extravagant expectations I am confident that their expert advice will help to guide us on to the road of steady industrial progress. Of this I can assure you : Government will be willing to extend to sound industrial enterprises—whether new or existing—the same encouragement and assistance that have in recent years achieved so much for the agricultural development of the Province. At the same time I may point out that those who now complain of the lack of Government support often fail to make use of the opportunities awaiting them. Take the mineral oil which offers such potentialities in the North Punjab. At present three companies are spending lakhs of rupees in prospecting for oil in the Rawalpindi Division, but all these are from outside the Province, and as far as I know there is no local capital in them.

IV.—INTERNAL SECURITY.

"13. Last year I was able to congratulate the Council and the Province on the marked decrease in crime in 1916. The year 1917 shows a further improvement. The number of offences reported to the Police fell in round numbers from 40,000 in 1916 to 31,900. In the years 1912, 1913, 1914, 1915 the average was 47,500, so that in the last two years there has been a decrease of nearly 30 per cent. The decrease covers every form of serious crime. Murders have steadily declined from 670 in 1912 to 511 in 1917. The falling-off in dacoities is so remarkable that I quote the figures in detail:—

1912.	1913.	1914.	1915.	1916.	Average.	1917.
128	142	140	287	110	161	47

Probably at no time within this generation has the number been so low, and things promise to be even better this year as the number of dacoities for the first quarter was only 9. Burglaries in the 4 years 1912 to 1915 average 17,714; in 1916 the number fell to 14,873; in 1917 there was a further drop to 11,875. Thus within the last few years there has been a decrease of one-third.

"14. Think what this remarkable improvement in the security of life and property means to the average law-abiding citizen, and you will, I am sure, join with me in congratulating the Punjab Police on their great and growing success in the struggle with crime and criminals. That success, as I have over and over again pointed out, could never have been attained if the administration—and in the administration I venture to include the police—had not succeeded in enlisting the co-operation and active support of the public in the measures for their protection. One of the most effective forms of that popular support has been the system of voluntary village patrols, which the Bill now passed into law will enable District Magistrates to enforce legally when a serious emergency arises. The amendments made while the Bill was passing through Council will prevent any abuse of its provisions, while it will both strengthen the independence of the village communities and furnish those responsible for internal security with a valuable weapon to be used when the occasion requires.

"15. Of serious political crime there has been, I am glad to say, no fresh outbreak. Three cases involving 8 accused persons came before the Special Tribunals during the last year, but two of these cases dealt with leaders of the *Ghadr* movement in 1914-15—Jawand Singh and Mathra Singh—who had absconded at the time, but were finally brought to justice and suffered the extreme penalty of the law, while the third dealt with a small clique of sedition-mongers in Lahore.

"The Province is to be congratulated on the promptitude and thoroughness with which it expelled from its system the virus of anarchy and revolution

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with which attempts were made to poison it a few years ago, and public tranquillity is now so well assured that Government has steadily pursued the policy of relaxing the orders of internment and restriction which more troubled times demanded. The answers given to various questions in Council at our last meeting will, I hope, have made it clear to Hon'ble Members that the cases of all persons interned or restricted are regularly and systematically reconsidered, and that in cancelling or relaxing those orders the Government, relying on the loyalty and good sense of the general public, has not hesitated to take a considerable risk. Some hard cases of penalties inflicted for disobedience of restriction orders were mentioned at our March meeting by the Hon'ble Mr. Bhagat Ram. Enquiries show that the facts stated by him were substantially correct. Those punishments were inflicted at a time when conditions were more disturbed than they are now and when disobedience of orders was very common in Jullundur. Instructions have been issued not to press for severe penalties now that conditions have so much improved.

" I may here remind you that the steady influx from America, Canada and the Far East of men who were certainly at one time seriously tainted with the *Ghadr* doctrines still continues: some have come back of their own free will, others have been deported as dangerous or suspicious characters by the Government of those countries, and the arrest and prosecution of several of the *Ghadr* leaders by the United States Government has made many of their followers realise that the States are no longer a safe refuge for those who plot against the British Government. But though many dangerous characters have thus come on our hands during the last year, we have allowed the great majority to proceed to their homes with or without furnishing security, and only in the case of really dangerous men, whom we believe to adhere still to their revolutionary views, have we had recourse to internment in jail.

" When I addressed you a year ago there were only 51 such men interned under the Ingress Ordinance. During the year we interned 51 more and up to date we have released 73, so that the number interned in jail is now only 29. Similarly last year there were some 935 persons restricted to their villages under the Ingress Ordinance; 104 more were restricted during the year, while no less than 637 have been released from restriction, leaving only some 400 now restricted.

" Under the Defence of India Act there were 98 persons restricted to their own or other villages a year ago; 7 more have been brought under and 12 released from restriction. There are now 84 persons so restricted—none are interned in jail—besides 9 cases in which certain orders have been passed in regard to printing presses. I quote these figures to disprove the unjustifiable statements made outside the Punjab that this Province has been coerced into silence by repressive administration. As an instance at a public meeting held in Allahabad in September last an Hon'ble Member of the United Provinces Council reminded the audience of the state of the Punjab only a year ago, when (he said) no fewer than 7,000 people had to be interned. That statement I need hardly say was grossly unfair not only to the Government but to the people of this Province. The speaker when its accuracy was challenged expressed his regret for it and offered to acknowledge the mistake publicly. I shall be glad to see the public withdrawal, but meantime, in justice to the province, I state the facts.

" 16. The figures I have quoted do not include the orders of exclusion regarding Messrs. Tilak and Pal which were passed over a year ago and which my Government sees no reason to alter or modify. I explained my reasons for that action a year ago, and those reasons have since then lost none of their force. By a recent order the Home Government has refused to allow Messrs. Tilak, Pal and others to start their Home Rule propaganda in England. They say

[*His Honour the President.*]

‘Such a proceeding at any time would be improper. Under existing circumstances when the country is waging a great war and is confronted with a crisis of the greatest magnitude which calls for a supreme concentration of national effort, and so far as is possible the suspension of purely political agitation and platform controversy, it is one in which the Government would not acquiesce.’ Those arguments are particularly applicable to the Punjab, where the loyalty and patriotism of the people are limited by no qualifications or conditions, and where the machiavelian policy of endeavouring to extort advantages from the supposed embarrassments of the Empire would be utterly repudiated by a gallant and chivalrous people who have never been taught to distrust their Government.

V.—INTERNAL ADMINISTRATION.

“17. As you know, the question of future constitutional developments of British India as a whole and of its component parts has been under active discussion since the solemn announcement of His Majesty’s Government in August last, and particularly since the visit of the Right Hon’ble the Secretary of State. With the higher issues involved in that discussion it would be presumptuous for me to attempt at this stage to deal. You and I and the various public bodies and associations throughout the Province have been given an opportunity of freely expressing our views in regard to them. The proposals of His Majesty’s Government will in due course, when the pre-occupation of the present great struggle allows, be announced, and I am confident that we here in the Punjab will consider them in a broad and reasonable spirit, animated by a sole and single-minded desire to secure the best interests of our Province as a whole.

“But apart from the higher constitutional issues there are others which are not less vital to the welfare of our people, such as the future composition of the public services, the development of local self-government, the education of the masses so as to fit them for responsibilities which the future may have in store for them, and I will say a few words about each of these.

“18. The question of the services is being separately dealt with in connection with the report of the Public Services Commission. It is the declared object of Government to admit the people of the country in greater numbers to the higher ranks of the services. I am glad to testify that the services recruited in this country have been steadily growing in capacity and integrity and for my own part I shall do what I can to better their position and prospects.

“At the same time it would be idle to disguise that there is still much to be done to stamp out corruption and to raise the standard of honesty and public duty in those services so as to command the full confidence of the public. My Government has been steadily striving towards this end and not without success. During the last year no less than 47 members of the Provincial Service who, owing to their corrupt practices, were a disgrace to the honourable service to which they belonged, have been brought to justice in the Courts. Similar measures have been taken against many offenders in other departments, but their cases attracted less attention because the individual concerned were less prominent. The people are now, I hope, beginning to realise that the Government is thoroughly in earnest in its determination to eradicate this canker, and will be influenced by no considerations of race, religion or social or official position. Public opinion is beginning to awaken, but it is slow to move and sympathy for the individual criminal is sometimes stronger than reprobation for the crime. As I said last year the task is one which demands most thorough and genuine co-operation from the public and the services concerned. We want them to repudiate and brand with infamy the bribe-taker and the bribe-giver, for they not only pollute the fountain of justice and discredit

[His Honour the President.]

the administration, but also tarnish the good name of their country and retard the progress of their fellow-countrymen.

" 19. The development of local self-government is not only a most important end in itself, but a valuable means of educating the people in a sense of civic duty and responsibility. Many people speak and think as if progress in local self-government, and indeed political progress generally, depended on the electoral franchise and the ballot box. That view may be applicable in advanced western countries where education is universal and the political instinct fairly widespread—though even in these there is a growing disposition to question the accepted view. But in the conditions which still prevail in this Province the principle embodied in the electoral register and the voter's *parcha*, however much we may desire to encourage and extend it, is still of limited application. No doubt it has, under the stimulus of British Administration, caught on in most of the towns where the level of intelligence is fairly high and there is no strong indigenous system to compete with. But even in the towns it is not free from abuse—though I was glad to hear from the Hon'ble Mirza Ikram-ullah Khan that the new election rules will restrict those abuses—and whatever we may say, we know in our hearts that it does not always secure the best men as the popular representatives. We also now and then find it necessary for the protection of minorities and in deference to local feeling to substitute the communal system even in towns for the general franchise. All the same popular election, whether by general or communal voting, is the most simple and workable system for the towns and we are therefore steadily extending it wherever local conditions and local opinion are not decidedly adverse to it. In rural areas, which have their own ancient village, clan, and tribal organisations that have successfully withstood for centuries the disintegrating influences of invasion and misgovernment, the so-called elective system is still regarded with disfavour or apathy as something foreign and unfamiliar. Rural bodies are well accustomed to act in common and to make their joint views felt; but it rarely occurs to them to select their representatives by election. In their headmen they already have their own hereditary representatives, and if they desire to have further spokesmen their method of selection is popular acclamation rather than election. Hence the present elective system for District Boards has had but limited success, and those districts in which it has not yet been introduced are generally against its adoption. We have therefore to consider whether, instead of forcing an exotic system on an unwilling or apathetic people, it would not be wise to adapt our system of rural representation to the ideas and traditions of the people whom we desire to see effectively represented.

" 20. To the diffusion of education among the people we all look as the most potent means of promoting their moral and material progress. Here, too, we must not be the slaves of catchwords. Education, to be of real benefit to the masses, must be based on their indigenous culture and morality and must aim at fitting them for their environment. I would have hesitated to sanction the introduction of the Compulsory Primary Education Bill now before the Council, were I not assured that before we ask local bodies to establish the conditions which would justify them and Government in accepting the principle of compulsion, measures would be taken to make our system of primary education suitable to the needs and wishes of the people. It is also proposed, and the proposal is welcomed by the rural representatives, to extend the scope of the Bill to rural areas, as they stand in even greater need of a simple and suitable system of education than the towns, which already have fairly good facilities. The measure if successful will be fraught with great results, but to succeed we must carry the people with us, and we cannot claim their support until we convince them that the measure is a practical and a good one.

[His Honour the President.]

-VI.—LEGISLATION.—

"21. The year has been one of considerable legislative activity. We have amended the Provincial Vaccination and Municipal Acts, and have passed into law the Simla House Bill, the Village Patrol Bill and the Habitual Offenders Bill. The latter two measures were considerably amended and improved during their progress through the Council, and in their present form will, I am convinced, contribute very materially to the maintenance of public order.

"The private Bill for the prevention of Juvenile Smoking has given rise to considerable discussion and elicited much popular support. It marks an interesting beginning in one form of social legislation, and being of a tentative and experimental character its working will be followed with special interest. Two other important measures introduced at this meeting, *viz.*, the Adulteration of Food Bill and the Compulsory Education Bill, will occupy the serious attention both of the public and of the Select Committees for some considerable time, and in both cases Government expects to receive much help from the opinions and criticisms of public bodies and of the public generally. Among other measures under consideration are—

- "(1) the Small Towns Bill, which has been referred to the Government of India whose views are awaited ;
- (2) & (3) the Punjab Customary Alienation and Limitation Bills, which have been drafted to carry out the recommendations of the Conference of 1916 ; and
- (4) the Borstal Institutions Bill which is intended to give effect to our policy for the reclamation and training of youthful offenders.

"22. Here perhaps I might say that the measures for the restriction and reclamation of the Criminal Tribes are being steadily extended, and that the prospects of success are decidedly encouraging. In addition to the large reformatory Settlement at Amritsar, we have now Industrial Settlements in working at Lahore (two at Moghalpura and Danapur), Shahdara, Dhariwal, Bhiwani, Palampur, Montgomery and Chawa ; while the first Agricultural Settlement in the Lower Bari Doab Colony is now being started. In this way we are dealing directly at present with over 5,000 members of these tribes, restraining their criminal activities, teaching them various trades, providing all who are able to work with the means of earning an honest livelihood, and bringing them, and especially the young among them, to realise that honesty is the best policy. There could be no nobler work than the reformation of those waifs and outcasts in whom the divine spark of humanity though dimmed has never been quite extinguished, and who in the past, being often treated as outside the pale of humanity, have regarded humanity as their legitimate prey. I am glad to acknowledge the support and assistance we are receiving in this work from the various Muhammadan, Sikh and Hindu Associations, as well as from the Arya Samaj and Dev Samaj."

VII.—THE WAR.

"23. I have endeavoured so far to give you some indication, however rough, of the activities and policy of Government in various spheres which are of special interest to the public. I hope you will agree with me that, notwithstanding the serious pre-occupations of the war, we are not neglecting the policy of steady administrative progress.

"But the Premier's recent message—a message urgent and solemn—to India and His Excellency the Viceroy's reply have made it clear that the struggle which was forced on us has now reached a critical stage, when

[*His Honour the President.*]

its imperative call must have priority over all other matters. India is an integral part of the Empire. The existence of that Empire and of everything for which it stands is at stake in the present conflict; the security of India's hearths and homes is menaced; and for the Empire's defence and her own security India is now called upon to put forth efforts and to make sacrifices adequate to her great resources and worthy of her loyal traditions. -

" 24. It is with this object that the Viceroy has summoned representatives from all parts of India to meet at Delhi on the 27th in order to invite the co-operation at this crisis in sinking domestic dissensions and political propoganda, in securing their active support in all measures necessary for the successful prosecution of the war, and in cheerfully bearing the sacrifices necessary to secure victory. The Punjab will be strongly and worthily represented in that great gathering, and you will be glad to know that three past and three present Members of this Council will participate in it. When the Delhi deliberations are finished, meetings will be held in the various Provinces to concert the measures necessary to give effect to them and I have accordingly summoned a representative gathering to meet at Lahore on the 4th May. But on behalf of the Punjab I have lost no time in assuring the Viceroy that he could count on our complete co-operation in securing the objects of the Conference and on our firm determination to give practical effect to its resolutions.

" 25. Hon'ble Members will remember that at a special meeting held in Simla soon after the outbreak of war the Punjab Legislative Council passed a Resolution humbly assuring the King-Emperor of the determination of the people of this Province to serve His Majesty in every form in which their help might be required against the enemies of his Empire. Those were no empty words. Looking back over the last 3½ years we can claim that the Province has fulfilled its promise. I have been often attacked elsewhere for my insistence in season, and as my critics say out of season, on the great war services of the Punjab, thereby suggesting invidious comparisons with other Provinces and certain political movements. In view of the Premier's message and this week's meeting at Delhi I leave it to the public to judge whether my action was misplaced. Anyhow I have no fear of hurting the feelings of any one in this Council by reciting briefly what we have done up to now and thereby stimulating the Province for the further efforts and sacrifices that the Viceroy's message and the Delhi Conference foreshadow. Take first the supply of men to the combatant ranks. A year ago I told you with pride that since the war began the Punjab had furnished 124,000 men. That was spread over 2½ years. What have we done within the last year? We have furnished 127,095 combatants or more than in the previous 2½ years. All the rest of India including the Native States with more than 12 times our population has raised in the last year 137,000 men, or slightly more than our single Province. Since the war began we have raised over 250,000 men to fight the battles of the Empire, besides some 60,000 or 70,000 men serving as non-combatants, followers, &c., and though the effort may not seem great as compared with that of Great Britain and the British Colonies where nearly every man of fighting age is now serving as a soldier or in some work subsidiary to the war, it is a truly remarkable one for a single Indian province. Our quarter of a million combatants are composed roughly as follows: -

*Percentage of male
population of
fighting age.*

10.5	...	Muhammadans from northern Punjab	...	98,000
7.3	...	from southern Punjab	...	19,000
14	...	Sikhs	...	65,000
11.3	...	Hindu Jats	...	22,000
9	...	Dooras	...	18,000

[*His Honour the President.*]

Percentage of male
population of
fighting age.

11	...	Hindus	other Rajputs	...	...	7,000
18	...	"	Ahirs	...	...	7,000
6	...	"	Gujars	...	...	5,000
	...	"	Brahmins, chiefly Gaur	...	...	4,000
9	...	Christians	...	...	...	3,000
	...	Kashmiris	...	...	...	1,000
	...	Others	...	...	...	1,000
"The totals are—						
		Muhammadans	...	...	...	118,000
		Sikhs	...	...	...	65,000
		Hindus	...	...	...	63,000
		Christians	...	...	...	3,000
		Others	...	...	...	1,000

and I invite the attention of the great martial races not only to the total numbers but to the proportion of their manhood which they have enlisted. How well our men have fought is proved by the fact that they have earned no less than 1,448 distinctions for gallantry in the field.

"These include 3 V.Cs.—two to Punjabi Muhammadans of Jhelum and Rawalpindi, one to a Dogra of Kangra—, 18 M.Cs., 88 O.B.I., 325 I.O.M., 790 D.S.M., 98 M.S.M. and 126 Foreign Orders and Medals.

"Of these distinctions 700 or nearly half have gone to Sikhs, 371 to Punjabi Muhammadans, 43 to other Muhammadans, 121 to Dogras, 115 to Jats, 25 to Rajputs, and 11 to Brahmins, 4 to Gujars, 6 to Ahirs and other Hindus.

"The districts which so far have the best records are Ludhiana 142, Jhelum 136, Rawalpindi 125, Rohtak 99, Hoshiarpur 94, Kangra 86, Amritsar 77, Ferozepore 67, Gujrat 63, Gujranwala 46, and the leading Native States are Patiala 98, Nabha 22, Jind 19. Those are the military distinctions to officers and men in the field, but I think we in the Punjab may claim that we have not been forgetful of the interests of the martial classes from whom those gallant men have been drawn. I need not here refer to the grants of land, khillats, titles and other distinctions to the many who have given up their time and influence to this great cause. But I may refer to the two new and singular distinctions granted almost exclusively for family or personal services in connection with the war. *viz.*, (1) the grant of 11 temporary commissions in His Majesty's Indian Land Forces to prominent representatives of the great martial races and (2) to the grant of jagirs for good services generally and especially in connection with the war. Last year I announced the grant of jagirs, value Rs. 10,000, to such individuals, and a resolution is now appearing which records the grant of Rs. 5,000 in jagir varying from Rs. 750 to Rs. 250 per annum to 15 gentlemen of whom 6 are Muhammadans, 5 are Hindus and 4 Sikhs.

"So far from any slacking off, the results in recent months show a steady improvement, and in March we surpassed all previous efforts with 13,713 combatants and 2,924 non-combatants, or a total of 16,637. The statements published monthly show the progress of recruiting in every district and Native State of the Province, and the following districts have already contributed over 10 per cent. of their manhood:—Rawalpindi and Jhelum 30 per cent., Attock 16 per cent., Rohtak 15 per cent., Ludhiana 14 per cent., Gujrat 13 per cent., Amritsar 11 per cent. and Shahpur 10 per cent. On the other hand the Multan Division in spite of recent improvement has supplied less than 2 per cent., Karnal less than 3 per cent., Lahore less than 4 per cent., Ambala less than 5 per cent. The decisive factor in the war will be Man Power. The defection

[*His Honour the President.*]

of Russia and the consequent collapse of Rumania have given our enemies a temporary superiority in men. The advance of the enemy on the West is however being firmly held, while the man power of the British Empire and its allies is being mobilised to deliver him the knockout blow which alone will restore peace to a war-worn world. The United Kingdom with less than double the population of our province has already raised six million men for the army alone and is now taking measures to raise at least another million in the present year. The Dominions are making similar sacrifices. What share of the burden should the Punjab shoulder in this crisis? I would suggest that we should endeavour to double last year's contribution of men and raise a quarter of a million in the coming year. That would bring our total contribution to half a million or one in eight of the men of fighting age. If we do that and I do not see why we should not, we shall have gone a long way to justify the claim of an Hon'ble Member that the Punjab is not only saving India but is also doing much to save the Empire. Within the last few weeks the Ruling Princes and Chiefs of Patiala, Jind, Bahawalpur, Kapurthala, Faridkot, Maler Kotla and Chamba have come forward with practical and generous offers, usually to double their present contribution of fighting men. They thus offer us a splendid example, and we in the Punjab feel honoured in the selection of His Highness the Maharaja of Patiala to represent the Princes of India in the Imperial War Conference. That is a just recognition of the part played by the premier Punjab State and the Punjab generally.

"The drain on our manhood has been great, but it is slight as compared with that on the rest of the Empire, and the figures I have quoted show what great resources are still available.

"Now that His Majesty has called upon us through the Premier to make even a greater effort in this great crisis, we shall, I am confident, give further proof that the promise solemnly made in September 1914 is a sacred obligation in the discharge of which we shall flinch from no sacrifice.

"26. But here I must point out that even within the Province the burden of sacrifice has hitherto been unevenly distributed. The 2½ lakhs of combatants have been drawn almost exclusively, and the 60,000 non-combatants mainly from the rural agricultural classes. The urban population of the Province, it is true, forms only one-tenth of our population, but in the matter of man power it certainly has not borne a share proportionate to its number or its obligations. As you know special efforts were made last year to recruit at least one Double Company from University students, past and present, and a battalion 1,000 strong from the urban classes for the Indian Defence Force. The result, even allowing for the difficulties in striking out a new line, was most disappointing. Less than 100 young men were enrolled for the University Company, which had, therefore, to be narrowed down to a Signalling section. Those youths showed admirable keenness and intelligence and have now been sent to the front, where we know they will acquit themselves as good and staunch sons of the Punjab.

"For the Indian Defence Force, instead of the hoped-for 1,000, only some 150 fit men were enrolled. They are now going through their training, and their officers speak highly of their spirit and eagerness to learn. But in the face of the present crisis, do the educated classes of the Province think that they are doing their duty by supplying these few hundred men?

"I am sure they do not, and now that the urgency of the need for men has been brought home to them, I look to them to come forward and not be put to shame by their brethren in the villages. I look to them to supply some substantial addition to the combatant ranks and to rally in their thousands to the Indian Defence Force which is now re-opened to recruitment.

[*His Honour the President.*]

"27. So far as to man power. Now as to other resources. The Province's response to last year's War Loan astonished even those of us who thought we knew the strength of Punjab patriotism. Our total contribution was nearly 6 crores. In the General Section we have been surpassed by only Bombay and Bengal including Calcutta; in the Post Office Section we were second only to Bombay.

"When a New War Loan is issued we cannot expect to repeat such a magnificent achievement, but the present harvest is a splendid one, the receipts to the Province from Military service are very great and steadily growing, many firms are making enormous profits from army contracts, and finally the wealthy capitalists in the towns, who for one reason or another are unable to take an active share in the defence of their country, have an effective way of assisting by providing the sinews of war. I have been told in many places that the capitalists as a class did not give adequate support to last year's loan. If there is any truth in that I hope they will remove the reproach when the new loan is issued.

"Before I leave this subject I must say a word in acknowledgment of the splendid generosity with which the Province subscribed to the appeal on behalf of the various War and Relief Funds. The amount raised for "Our Day" alone was about 17 lakhs, and the Punjab again proved its solicitude for the welfare and comfort of its brave sons at the front. I hope it will not be necessary to make any further general appeal of this nature in the present year, but should it be, I know the Province will do its duty.

"28. The third respect in which we are asked to help at this crisis is by sinking domestic dissensions and political propaganda and concentrating all our energies on repelling the peril which threatens our national existence. Here, too, I am confident that, as in the past, the Punjab will be true to its traditions. Since the war began the people of the Province as a whole, so far from doing anything to embarrass the Government, have rallied enthusiastically to its support. At times I have been compelled to take measures against a few organs of the vernacular press, but that press on the whole has maintained in troublesome times a correct, a loyal and helpful attitude which I am glad to acknowledge. What is known as the "Anglo-Vernacular" press has now and again shown a disposition towards mistrust and carping criticism of Government, but its general attitude towards the supreme question of national defence, whenever it dealt with that subject, has given no cause of complaint. At the same time the various political and other associations in the Province have, as a rule, conducted their discussions and propaganda with a sobriety and restraint befitting the anxious times we are living in.

"Now that the gravity of the existing situation has been realised by all, I am confident that all parties, all shades of opinion, political and communal, will combine in one great united and national effort on behalf of King and Country. The assurances given by all Hon'ble Members who have spoken during the debate confirm that hope. And when the present menace is averted by that united effort, we shall approach the solution of those important but for the time minor issues in the spirit of mutual toleration and mutual comprehension born of the feeling that we have stood shoulder to shoulder in this great emergency, and by our union have successfully resisted the greatest menace with which our common humanity has ever been threatened and laid the foundations of a just and enduring peace."

ADJOURNMENT.

The Council adjourned to Saturday the 4th May 1918.

S. W. GRACEY,

Secretary, Legislative Council, Punjab.

LAHORE :

The 1st May 1918.

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 Government of India Act, 1915.

THE Council met at the Senate Hall, Lahore, at 11-55 A.M., on Saturday, the 4th May 1918.

PRESENT :

His Honour Sir MICHAEL FRANCIS O'DWYER, G.C.I.E., K.C.S.I., I.C.S.,
Lieutenant-Governor, *Presiding.*

The Hon'ble Mr. JOHN PERRONET THOMPSON, I.C.S.

The Hon'ble Mr. JAMES ALEXANDER NICHEY.

The Hon'ble Mr. OSWALD FARQUHAR LUMSDEN, I.C.S.

The Hon'ble Sardar Bahadur Sardar GAJJAN SINGH.

The Hon'ble Rao Bahadur Chaudhri LAL CHAND.

The Hon'ble Khan Bahadur Sayed MEHDI SHAH.

The Hon'ble Pandit JAWAHAR LAL, BHARGAVA.

The Hon'ble Rai Bahadur RAM SARAN DAS, C.I.E.

The Hon'ble Rai Bahadur Pandit SHEO NARAIN.

The Hon'ble Mr. DAVID MANN AIKMAN.

The Hon'ble Mr. JAMES CURRIE.

The Hon'ble Rai Bahadur BAKHSI SOHAN LAL.

The Hon'ble Rai Bahadur Raizada BHAGAT RAM.

The Hon'ble Sayad MAKHDUM RAJAN SHAH.

The Hon'ble Mr. CREWE ARMAND HAMILTON TOWNSEND, I.C.S.

The Hon'ble Mr. CHARLES JOSEPH HALLIFAX, I.C.S.

The Hon'ble Khan Sahib Mirza MUHAMMAD IKRAM ULLAH KHAN.

The Hon'ble Diwan Bahadur Diwan DAULAT RAY.

The Hon'ble Khan Bahadur Mian FAZL-I-HUSSAIN.

The Hon'ble Mr. HENRY DUFFIELD CRAIK, I.C.S.

The Hon'ble Khan Bahadur Malik MUHAMMAD AMIN KHAN.

The Hon'ble Colonel HAROLD HENDLEY, M.D., I.M.S.

The Hon'ble Mr. STEPHEN WILLIAM GRACEY, I.C.S.

PUNJAB COURTS BILL.

The Hon'ble Mr. Thompson :—

"YOUR HONOUR,—At the last meeting I explained to the Council the nature of the amendments which have been made in the Bill by the Select Committee. I do not propose to add anything to what I then said, but I merely move that the report of the Select Committee on the Punjab Courts Bill be taken into consideration."

The motion was put and agreed to.

The Hon'ble Mr. Thompson :—

"The amendments which I wish to move are all of a verbal nature. In the first place I propose—

"(1) That in the italicised heading, for the words 'the validity of which shall not be open to question' the following words shall be substituted 'which is free from the defect described in the Preamble.'

[*Mr. Thompson ; His Honour the President ; Pandit Sheo Narayan.*]

"(2) That in the Preamble for the words 'the validity of which shall not be open to question' the following words shall be substituted 'which is free from the defect above described.'

"(3) That clause 3 (1) shall be renumbered as clause 3 (1) (a), and a new clause, clause (b), which now appears as the final clause of the Bill, shall be added as follows :—

"(b) The Punjab Courts Act, 1914, and Punjab Act IV of 1914, or so much of them as may be valid, are repealed on and from the first day of August 1914.'

"This last amendment is merely a re-arrangement.

"(4) That in clause 3 (2) the words 'on and' shall be inserted before the word 'from' in the penultimate line. It will then read instead of 'from the first day of August 1914' 'on and from the first day of August 1914' and

"(5) That clause 4 shall be omitted. Clause 4 will now reappear as clause 3 (1) (b)."

His Honour the President :—

"Does any Member wish to say anything on the amendments? They are all of a verbal nature."

The amendments were put and agreed to.

The Hon'ble Pandit Sheo Narayan :—

"YOUR HONOUR,—I crave Your Honour's permission to move the amendment which stands in my name....."

The Hon'ble Mr. Thompson :—

"I rise to a point of order.

"The amendment which the Hon'ble Member wishes to propose is precisely the same amendment which was ruled out of order when it was proposed by the Hon'ble Mr. Muhammad Shafi in 1913."

His Honour the President :—

"Perhaps the Hon'ble Member had better read out his amendment and then I will consider whether it is out of order."

The Hon'ble Pandit Sheo Narayan :—

"YOUR HONOUR,—The amendment is moved practically or rather identically, I may say, with the object of reproducing the amendment proposed by Mr. Muhammad Shafi and which was ruled out of order, and which by mistake appeared in the Act itself, in the same words, namely, that instead of the words in clause 39 (1) (b) 'to the Chief Court in any other case' the words 'to the Chief Court in any original suit of value exceeding five thousand rupees or involving directly some claim or questions respecting property of like value' be substituted,

or that the amendment proposed by the Hon'ble Mr. Muhammad Shafi and ruled out of order in 1913 be confirmed."

The Hon'ble Mr. Thompson :—

"YOUR HONOUR,—As the Hon'ble Pandit has explained, the amendment which he wishes to propose is the amendment, the identical amendment, which was by mistake inserted in the copies of the Bill which received the assent of Your Honour and of His Excellency the Viceroy, and which has been the cause of these tears. Now, Sir, I will preface my remarks by reading Your Honour's ruling on the amendment which was proposed by Mr. Shafi,

[*Mr. Thompson.*]

Your Honour then said :—

“ I am advised that the following amendments—then comes the list of four amendments—standing in the name of the Hon'ble Mr. Muhammad Shafi are out of order as these amendments propose substantive changes in the law of appeal, and that is not a matter touched by the present Bill, the Bill being confined to changes due to the introduction of the scheme of District and Sessions Judges. It is a Bill for the consolidation of the previous Punjab Courts Act, and besides this there are only minor changes and some improvements in drafting. The question of revising the old law of appeal is a very wide one, and is not now before the Council as the Hon'ble Member in charge of the Bill informed us in his opening remarks. I accordingly rule these amendments out of order.”

“ Now, Sir, I claim that the position is substantially the same now as it was in 1913 in respect of this amendment. We are now trying, if I may use the term, to re-enact the Bill which was passed in 1913, but has failed to come into effect. That Bill was introduced in order to provide for the alteration of our judicial system by the substitution of District and Sessions Judges for Divisional and Sessions Judges. It was in addition a Consolidation Bill. There had been a number of amendments of the Act of 1884, and it was thought desirable for the convenience of reference to have the law in one enactment. It was no part of the proposals that were then made to take into consideration the provisions of the law in regard to appeals, and it was held then that the amendment which was proposed by the Hon'ble Mr. Shafi was irrelevant for the purpose of the legislation which was before the Council. I claim that the Hon'ble Member's amendment is just as irrelevant for purposes of the present Bill as it was for purposes of the Bill then before the Council.

“ But, Sir, certain doubts were expressed in Select Committee as to the correctness of the ruling, and Your Honour has desired me to deal with that matter at somewhat greater length and to adduce certain outside authorities in support of the correctness of the ruling then given. The first that I will quote is one from the Imperial Council. In the year 1910, the Cantonments Act of that year was before that Council. It was a Consolidation Act and in the course of the debate one Hon'ble Member made certain remarks which the Hon'ble Mr. Sinha, the then Legal Member, took to indicate an intention of moving an amendment. The Hon'ble Member explained that that was not his intention, but that he merely wished to bring certain matters to notice. The chair accepted his explanation, but ruled that if he had intended to bring forward an amendment he would have been out of order. The Hon'ble Member was allowed to finish his remarks, and at the close of the debate the Hon'ble Mr. Sinha explained in some detail the reasons why he had objected to the amendment which he imagined was going to be put forward. These are the words which he used :—

“ Mr. President, I think I ought to explain to Hon'ble Members that when there is a consolidation Bill, properly so called, before the Council, it is not the practice either of this Council, or of any other legislative assembly that I am aware of, to introduce amendments or to comment on the Act generally. In fact, the work of consolidation would be absolutely impossible if, every time that we undertook that work, the whole Act was put, so to speak, in the melting pot for Members to comment on the policy of the Act generally.”

“ I do not think it is necessary for me to read the rest of the speech because that explains the principle on which he based his objections.

“ The second authority which I wish to quote is perhaps not exactly applicable to proceedings in Councils. But it was a ruling given by a very high authority—I mean by His Excellency the Viceroy himself—at the recent Delhi Conference, as regards the principles which govern the introduction of amendments at public meetings in general. The Hon'ble Members will recollect that a certain gentleman wished to bring forward a particular resolution which I need not read. His Excellency the Viceroy in ruling it out of order spoke as follows :—

“ Now in the first place, this conference is a war conference. It has been summoned for the purpose of discussing how best India can help the Empire in man-power and in the

[*Mr. Thompson ; His Honour the President ; Rai Bahadur Pandit Sheo Narayan ; Mr. Fazl-i-Hussain .*]

matter of resources. Well, to my mind it is a fundamental principle governing all public meetings that a public meeting should confine itself to the matter for the discussion of which it has been called together, and on this fundamental ground I feel it is necessary to say that this resolution does not come within the scope of this conference.

"I think, Sir, that in view of these two instances, to which I have referred, this Council will agree that Your Honour has ample authority in support of the correctness of the ruling which you gave 4 years ago.

"There is one other point which is of practical importance, and that is this. I explained in my opening speech that the measure which I was introducing was one of urgent necessity. If this amendment is to be allowed to stand, this measure will not pass into law for some months to come as Government will not be prepared to debate the amendment on the merits without ascertaining the views of the Hon'ble Judges and others who are qualified to form an opinion throughout the Province."

His Honour the President :—

"I think at this stage it is necessary that I should decide the point of order. The point has already been gone into in the debate of 1913, and I see no reason for differing from the decision then come to, with reference to the Hon'ble Mr. Shafi's amendment. The present amendment is the same as was moved in 1913, and is clearly out of order. I think it is very undesirable in a measure intended to meet certain technical defects in the present enactment, to introduce as a side wind the question of the course of appeal. I therefore hold for the reasons I gave in 1913 and for the reasons which have been just given by the Chief Secretary, reasons which have much force from the point of law and also of administrative convenience, that the amendment is out of order."

The Hon'ble Rai Bahadur Pandit Sheo Narayan :—

"YOUR HONOUR,—I have not been heard."

His Honour the President :—

"It is only a question of order. No discussion can be made on point of order.

"But I may give an assurance to the Hon'ble Member that if he thinks that a revision of the law of appeal is very desirable, he is quite at liberty to give notice of a separate amendment to the Punjab Courts Act. In that case the whole question will be threshed out, and tried as a new issue on its merits. It would be referred to the various public bodies and to the various judicial authorities, and would thus receive a thorough consideration which it is impossible for it to receive at this stage in this Council."

The Hon'ble Mr. Thompson :—

"YOUR HONOUR,—I now move that the Bill as amended be passed."

The Hon'ble Mr. Fazl-i-Hussain :—

"I support the motion."

The motion was put and agreed to.

His Honour the President :—

"At this stage I would like to say a word in recognition of the labours of the Select Committee. They had a very difficult matter to investigate and to dispose of. They had very limited time at their disposal. They had to discharge very arduous duties. They have given very great help not only to the Council but to the public who will deeply appreciate their assistance in putting this very intricate matter through in the shortest possible time.

[*His Honour the President.*]

" Before I sit down there is one remark I would like to make. Since our last meeting I have had a letter from one of our members, the Hon'ble Sardar Bahadur Risaldar Partap Singh, saying that in consequence of certain domestic reasons and the bereavement of his wife he is compelled to resign his seat in the Council. I am sure we are all sorry that he will cease to be a member of this Council and still more sorry for the cause of it. "

Adjournment.

The Council adjourned *sine die*.

S. W. GRACEY,

Secretary, Legislative Council, Punjab.

LAHORE :
The 4th May 1918.

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 provisions of the Government of India Act, 1915.

THE Council met at Government House, Lahore, at 10-30 A.M., on Wednesday, the 20th November 1918.

PRESENT :

His Honour Sir MICHAEL FRANCIS O'DWYER, G.C.I.E., K.C.S.I., I.C.S.,
Lieutenant-Governor, *Presiding.*

The Hon'ble Mr. LEWIS FRENCH, C.I.E., I.C.S.

The Hon'ble Mr. JAMES ALEXANDER RICHEY.

The Hon'ble Captain Sardar GOPAL SINGH.

The Hon'ble Mr. HERBERT JOHN MAYNARD, C.S.I., I.C.S.

The Hon'ble Mr. OSWALD FARQUHAR LUMSDEN, I.C.S.

The Hon'ble Nawab Sir BAHRAM KHAN, MAZARI, K.O.I.E.

The Hon'ble Sardar Bahadur Sardar GAJJAN SINGH.

The Hon'ble Rao Bahadur Chaudhri LAL CHAND.

The Hon'ble Khan Bahadur Say ed MEHDI SHAH.

The Hon'ble Rai Bahadur Pandit SHEO NARAIN.

The Hon'ble Rai Bahadur RAM SARAN DAS, C.I.E.

The Hon'ble Mr. DAVID WANN AIKMAN, C.I.E.

The Hon'ble Khan Bahadur Khwaja YUSAF SHAH.

The Hon'ble Rai Bahadur Bakhshi SOHAN LAL.

The Hon'ble Pandit JAWAHAR LAL, BHARGAVA.

[His Honour the President.]

The Hon'ble Sayad MAHDUM RAJAN SHAH.

The Hon'ble Diwan Bahadur Diwan DAULAT RAI.

The Hon'ble Mr. CREWE ARMAND HAMILTON TOWNSEND, I.O.S.

The Hon'ble Khan Bahadur Mian FAZL-I-HUSSAIN.

The Hon'ble Khan Sahib Mirza MUHAMMAD IKRAM ULLAH KHAN.

The Hon'ble Mr. EDWIN WOODALL PARKER.

The Hon'ble Mr. HENRY DUFFIELD CRAIK, I.C.S.

The Hon'ble Khan Bahadur Malik MUHAMMAD AMIN KHAN.

The Hon'ble Colonel ROBERT CHARLES MACWATT, C.I.E., M.B., F.R.C.S., I.M.S.

The Hon'ble Mr. THOMAS PETER ELLIS, I.O.S.

OATH OF OFFICE.

The Hon'ble Mr. French, the Hon'ble Captain Sardar Gopal Singh, the Hon'ble Colonel MacWatt and the Hon'ble Mr. Ellis took the prescribed Oath of Allegiance to the Crown.

PAPERS LAID ON THE TABLE.

1. Answer to Question No. 23 asked by the Hon'ble Rai Bahadur Bakhshi Sohan Lal at the Council meeting of the 24th April 1918.*

2. Answer to Question No. 24 asked by the Hon'ble Rai Bahadur Bakhshi Sohan Lal at the Council meeting of the 24th April 1918.*

3. Answer to Question No. 25 asked by the Hon'ble Rai Bahadur Bakhshi Sohan Lal at the Council meeting of the 24th April 1918.*

Resolution of Loyal Congratulations to His Majesty the King-Emperor on Final Victory.

His Honour the President :-- " We met last 7 months ago in the darkest days of the war, when the enemy on the western front had by sheer weight of numbers forced back our fifth army and appeared to have France and Italy as well as Belgium at his feet, when Paris, Amiens and the Channel Ports were seriously threatened, when the menace through Persia and Central Asia brought the danger of war close to our doors here in India, and when the clarion messages of His Majesty the King-Emperor and the Prime Minister called on the Empire and on India to put forth their supreme efforts to save the cause of humanity.

[His Honour the President.]

"The darkness of those days has passed away. The first faint glimmer of the dawn which appeared on the horizon 4 months back has rapidly brightened into the full sunrise of decisive victory and the brilliant promise of a glorious and enduring peace. We meet to-day full of relief at our deliverance from the threatened tyranny of unscrupulous aggression and full of gratitude to those who under Providence have wrought our deliverance. I have endeavoured to express my feeling of what our own Province has done in a public message to the people of the Punjab which I will repeat to the Council:—

'The great conflict of the last four years has now ended in the complete triumph of the King-Emperor and his Allies. Our enemies, one after another, have laid down their arms and begged for peace. The triumph of our cause is finally achieved. I desire to acknowledge the unfaltering spirit of loyalty and sacrifice which the Punjab has shown throughout the struggle, even in the days of gloom and anxiety.

'From the beginning of the war the Punjab has sent nearly 400,000 of her sons to fight the battles of the King-Emperor.

'In France and Belgium, in Africa and Persia, and, above all, in Egypt, Palestine, Syria and Mesopotamia, those men have bravely upheld the proud traditions of their province, successfully protected the frontiers of India, and have borne a noble part in the achievement of the final victory.

'The Punjab will ever cherish the memory of those brave men who have fought and fallen; it will do its best to alleviate the lot of those who have been wounded; it will welcome back with honour those who will now return; and it will not forget those at home who, though they could not share the dangers of war, helped to secure the peace of the province, to maintain our forces in the field, and to succour the wounded and suffering. I am proud that the Punjab during my tenure of office has so nobly fulfilled its duty, and as Head of the Province I desire to express my deep gratitude to all who have borne a part in maintaining the proud position of the Punjab in India and in the Empire.'

"The drain of our manhood to the Army has been particularly heavy and the Council will be glad to learn that instructions have just been received that all special recruiting ceased from yesterday and henceforth recruiting will take place under normal pre-war conditions. I will now read out to the Council the gracious message which His Majesty has sent to India through His Excellency the Viceroy:—

'On the signature of the armistice with Germany marking the conclusive victory of the Allied arms over the last of our enemies I desire to congratulate Your Excellency, the Princes and peoples of India on the success which has attended our united efforts. The struggle now so happily ended has demanded unprecedented sacrifices from us all, and in responding to the call upon her for men and resources India has played a part worthy of her martial qualities and high traditions. She has fulfilled my faith in her single-minded devotion to my person and Empire, and she has vindicated my confidence in her loyalty. The bond of brotherhood proved by partnership in trials and triumphs will endure in years to come when the reign of justice is restored, homes are united and the blessings of peace are renewed.'

"In reply to His Majesty's message I would ask the Council to pass the following resolution which I believe embodies the feelings that are uppermost in our hearts to-day:—

'That the President and members of this Council, on behalf of the people of the Punjab, desire to convey through His Excellency the Viceroy, to His Majesty the King-Emperor, the expression of their loyal congratulations

[*His Honour the President; Diwan Bahadur Diwan Daulat Rai;
Rai Bahadur Ram Saran Das.*]

on the final triumph of his righteous cause, their profound joy at the complete overthrow of his enemies, their admiration of the heroic sacrifices and brilliant achievements of his armed forces and those of his gallant Allies, their gratitude for the inclusion of an Indian representative in the approaching Peace Conference, and the renewed assurance of their profound and unflinching devotion to his throne and person."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—" Your Honour,— I beg to associate myself with the resolution just moved by Your Honour. The Punjab has cause for acclamation and joy in this happy termination of this world-war. It is proud to recollect that its sons played their parts manfully side by side with the gallant soldiers from other parts of the Empire and His Majesty's Allies, and that in the hour of trial it maintained the highest traditions of loyalty, courage and devotion to the Empire. We are further proud to recollect, that not alone does this province stand pre-eminent for having poured its blood and money in the cause but also for the patience with which it has endured the stress of economic conditions caused by this unparalleled upheaval. It is difficult on occasions like this to be both modest and truthful. It is because the Punjab feels the importance of her share in the achievement of this glorious result that her joy is boundless to-day.

" Your Honour, we are all deeply conscious of the fact that your leadership, your singleness of purpose and directness were stimuli under which the Punjab's unflinching loyalty, courage and devotion, shone brightest and Your Honour has taken a substantial part in the proud achievements of the province.

" In offering our congratulations to our beloved King-Emperor on the triumph of his righteous cause and the overthrow of his enemies, we beg that Your Honour will once again assure His Majesty, through His Excellency the Viceroy of our profound and unflinching devotion to his person and his throne. Your Honour, now that peace reigns once more over a tired world we can look forward with hopeful anticipation to the problems of domestic reforms. The whole country is grateful for the inclusion of an Indian representative in the approaching peace conference, and we have not the slightest doubts that the interests of this country generally, and of this province in particular, will be treated with a tender care which our loyalty and devotion has earned. Having enjoyed the victories of war we hope that we are on the high road to achieve the no less renowned victories of peace. Having conquered the spirit of militarism and oppression; of hatred and greed, we have every confidence that we have reached the period when the spirit of freedom and enlightenment will lead us on to higher things.

" Your Honour, I beg to accord my hearty support to the resolution."

The Hon'ble Rai Bahadur Ram Saran Das :—" Your Honour,— I had myself also given a notice of moving a resolution similar to the one that has just been moved. But when I came to know that Your Honour intended to move such a resolution, I readily dropped my resolution. It is in the fitness of things that in this matter the Hon'ble President of our council should lead. Every patriotic soul in the country is filled with profound joy at the glad tidings of our glorious and decisive victory over the King-Emperor's enemies. The Punjab has under Your Honour's able guidance taken no mean part in the overthrow of German militarism, and the Punjab is really proud of her achievements in this world-wide war. The entire human race is to be grateful to Britain and her gallant Allies for being rescued from this grave German menace. Your Honour, I associate myself most heartily in giving support to this resolution."

[*Rao Bahadur Chaudhri Lal Chand ; Sardar Bahadur Sardar Gajjan Singh.*]

The Hon'ble Rao Bahadur Chaudhri Lal Chand : " Your Honour,—The devastating war which had for four long years cast a gloom over the whole civilised world is happily at an end. It is true that it has not been ended formally but a resumption of hostilities is out of the question. The evil genius of our generation, Kaiser William, has fled to Holland, and the forces of darkness which he led and let loose upon society have been finally crushed. The danger to civilisation and the menace to the peace and ordered progress of humanity have been laid at rest once for all. The sword that had been drawn by the King-Emperor to defend the liberties of the world and to assert the right of small and weak nationalities to independent existence may now be sheathed. It is a matter for deep and sincere gratitude to God that the heroic and uncomplaining sacrifices which have been made by the Allied armies to vindicate the cause of right, justice and truth have resulted in a complete triumph of the sacred principles for which they went to war. The Punjab has, under Your Honour's capable guidance, borne a noble part in this struggle and this Council will, doubtless, have a legitimate feeling of pleasure, pride and satisfaction in adopting this resolution which has been moved by Your Honour. I as one of the humble representatives of the great fighting classes of the Punjab have the greatest pleasure in supporting this resolution."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—" Your Honour,—The happy and the much awaited news of the complete surrender of Germany was received on the 12th November 1918 with feeling of unbounded satisfaction and joy. In fact it is impossible to express by words the actual feelings of pleasure on this most auspicious occasion. Enemies of the King-Emperor laid down their arms and surrendered unconditionally one after the other and at last the most powerful and the strong enemy of the Empire surrendered and suffered a complete and crushing defeat at the hands of our armies.

" The victory is as splendid and great as the British Empire and her Allies desired. The cause of justice and righteousness has triumphed and the forces of brutality and highhandedness are doomed. The Kaiser who only till the other day was dreaming to rule over the whole world is now a refugee in a small neighbouring neutral power with all his staff interned.

" Your Honour,—In the Council meeting held on 19th September 1914 at Simla while supporting the resolution moved by Your Honour about the sincere devotion and staunch loyalty of the Punjab and their solemn determination to maintain the proud martial tradition of the Province by serving His Majesty in the present war against his enemies I said—

' I take this opportunity of assuring Your Honour once more that my brethren are ready to sacrifice their all for the Empire and that they can supply excellent fighting materials in time of emergency for a score of regiments who will fight for Government to the last man and the last farthing. They fully realised that their interests are bound up, indissolubly bound up, with the Empire and that they must stand or fall together.'

" I am glad to find that subsequent events have conclusively proved that these assurances were amply fulfilled and were not mere empty words. My community has supplied recruits in almost every Sikh district much larger in number as compared with the sister communities of the Muhammadans and Hindus.

" This fact has been recognised by Your Honour in your recruiting darbar speeches held in Ludhiana, Ambala, Ferozepore, Kasur, Gujranwala and elsewhere. I am not in possession of correct figures but I believe that out of the nearly 4 lakhs brave sons of the Punjab who went to fight the battles of the King-Emperor about $\frac{1}{3}$ were members of my community. We, the Sikhs,

[*Nawab Sir Bahram Khan; Khan Bahadur Sayad Mehdi Shah; Pandit Sheo Narain; Rai Bahadur Bakhshi Sohan Lal.*]

are very much proud of this record. If we were proud of our loyalty and devotion to Government we are prouder to-day. It is a matter of sincere satisfaction that the Punjab under Your Honour's brilliant leadership has substantially contributed to the final triumph of the Empire in this terrible war. With these few remarks I beg to support the resolution so eloquently moved by Your Honour."

The Hon'ble Nawab Sir Bahram Khan supported the resolution in Urdu a translation of which is as follows :—

"I am in full accord with this resolution which has been moved on behalf of the people of the Punjab and is quite suited to the occasion. Whatever services have been rendered by the Punjab and especially by its zamindar population have been rendered out of a sense of duty. In fact, this is not the first occasion that the Punjab has rendered such signal services. Prior to this, at the time of the mutiny of 1857, the Punjab also successfully endeavoured to preserve the British rule in India. Now we express our great joy on the occasion of this great victory which means a victory of the golden principles of Great Britain. Consequently, meetings of rejoicings will be held in all quarters of the province. Myriad thanks are due to the most gracious Creator that the cruel, austere and tyrannical rulers have been compelled to withdraw from their domineering spirit and high-handedness and Great Britain and the Allies having rescued the people of those countries also from the tyranny of their rulers have enlightened their minds with their splendid principles. The Emperor of Germany has also been vanquished by the powerful arms of Great Britain and the Allies and was so much humiliated that he had to flee from his own country. I therefore heartily congratulate Government on behalf of the people of the Dera Ghazi Khan District and all Tumdars, especially the Baluchi tribe, and sincerely support the resolution and propose that it may be submitted through His Excellency the Viceroy to His Most Gracious Majesty the King-Emperor.

The Hon'ble Khan Bahadur Sayad Mehdi Shah.—"Being ill, I am sorry I am unable to speak much. I heartily support the resolution."

The Hon'ble Pandit Sheo Narain.—"Your Honour,—My health prevents my making a long speech, or even a moderate speech on this occasion. I am seriously prohibited to talk, but the occasion is such that I cannot refrain from saying a few words. I support this resolution with the greatest satisfaction, relief and congratulation. I will quote one line from our great Urdu poet Dag—

آغاز شوق میں نہیں انجام کی خبر اس میدان کی دیکھئے نکلی خبر کہاں

"Unknown is the end of ambition at the outset—Lo where breaks forth the result of its commencement!"

"The man who wanted to have the whole world under his thumb is reduced to a refugee in a small State. That is the result of his ambition. For one act of infamy Rawan's effigy is burned every year in this country, as he was the enemy of civilization. I do not know what will be the fate of a man whose record of inequities is boundless, and no chapter of history points a parallel either to the magnitude of the war or to the deeds of this ex-Emperor of Germany. With these few words, I support the resolution."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal.—"Your Honour,—On behalf of the Hindu population of the Punjab I accord my hearty support to the resolution of congratulations on the successful termination of the war; moved from the chair in this Council, and in doing so I am voicing the innermost feelings of not only my own constituents but of all classes and communities of the Province, in common with the rest of British India and the Native States. We are all most happy at the glorious victory of His Most Gracious Majesty

[*Rai Bahadur Bakshi Sohan Lal.*]

the King-Emperor, George V and of his Allies in this prolonged struggle for the establishment of everlasting peace throughout the world, and for the maintenance of the righteous cause and justice against the militarism and vandalism of the central powers. We have been most anxiously waiting during the last 52 months for the victorious result of the heroic sacrifices and brilliant achievements of His Majesty's armed forces (British and Indian) as well as those of his gallant Allies throughout the war crisis, and for the celebration of the glorious victory which we have had the good fortune of performing recently immediately on receiving the happy news of such victory. We are still anxious to witness the greatest criminal of the world, the Kaiser and his associates, the authors of all the bloodshed and devastation in all parts of the world during this war period, being duly tried and punished by the tribunal of all the civilized nations.

"We are all proud that the Punjab has not been behind any other part of the British Empire, in contributing to the glorious termination of the war, either in its quota of man power or of the materials required to carry on the war. We are all very glad that we have maintained our heroic traditions of being 'high souled men of first rate training and ancient civilization,' and that we have proved ourselves to be the true sons of the noble and heroic Aryans of the ancient times who in the well known Ramayana and Mahabharata war fought for the honour, protection and liberty of mankind and for the sake of just and rightful cause like His Most Gracious Majesty the King George V.

"So far as I have been able to form my opinion from the available statistics, I am proud to assert that in the whole the contributions to the war provided by India including the Native States it is the Punjab who has supplied the largest number and best of the combatants, as well as the largest quantities of grain and other material for the fighting armies in the various theatres of the war in Europe, Asia and Africa and also for restoring peace and order in the conquered countries. In this connection I might take this opportunity of saying that during these four years of stress and strain nobody has worked harder than Your Honour, and I am telling the barest truth when I say that but for Your Honour's keen interest and whole-hearted devotion to this noble cause the contribution of the Punjab in men, money and materials would not have been so splendid as it has actually been. It is a matter of great pleasure to all of us to find that the great war for the successful prosecution of which you have worked so hard has come to a victorious end before Your Honour has laid down the reins of your high office. We are very glad and most thankful to Your Honour that the services and sacrifices of the Punjab have been from time to time promptly appreciated and acknowledged by Your Honour by grants of jagirs, lands, khilats, sanads, titles, and other honours too numerous to be detailed here. We also hope that the Punjab will not be left behind any other Province in the reforms which are likely to be introduced in the administration.

"We are very glad that our enemies have been completely crushed and that we have become quite safe from the foreign attacks and from the dangers which threatened our Province during the first half of the current year.

"Before concluding I must express our gratefulness to His Most Gracious Majesty for the great honour bestowed upon this country in permitting an Indian representative to the approaching Peace Conference and thus giving us a status equal to that of the other parts of the Empire.

"It is, therefore, submitted that a resolution in the words proposed by Your Honour be passed in this Council to convey our congratulations on behalf of the people of the Punjab on the final triumph of His Majesty's arms in the

[*Sayad Makhdum Rajan Shah ; Khan Bahadur Malik Muhammad Amin Khan ; Captain Gopal Singh.*]

prosecution of his noble and righteous cause and to express the renewed assurance of their profound and unflinching devotion to his thrown and person."

The Hon'ble Sayad Makhdum Rajan Shah supported the resolution in Urdu.

The Hon'ble Khan Bahadur Malik Muhammad Amin Khan :— " Your Honour,—Permit me to associate myself fully with the resolution which Your Honour has moved in such fitting and eloquent terms. The grand, signal and memorable victory which has crowned the arms of the King-Emperor and his gallant Allies, involving as it does the complete annihilation of German militarism and the re-enthronement after huge sacrifices of the idea of public right and the sanctity of inter-national covenants, is on a par with the sublimity of the righteous cause, for which the sword was unsheathed, and I have no doubt that the new world which will be built on the debris of the old will rest on the lasting foundations of justice, humanity and freedom. The right chord has already been struck by that distinguished statesman whose personal efforts and unremitting exertions have largely carried the Empire to victory, in his great and soul moving declaration, ' we [shall do no wrong, we will insist on all our rights,] and the world may well rest confident that the Saving Cement of British Statesmanship and the humanity that constitutes its very core and essence will triumph over all difficulties and all obstacles at the Peace Conference table. It is appropriate that we the representatives of the Punjab which under Your Honour's exalted leadership had won such laurels, should take part in the rejoicing consequent on the glorious termination of this war and Your Honour's resolution so aptly and correctly expresses our feelings that I gladly and unreservedly accord it my willing and ready support."

The Hon'ble Captain Gopal Singh :—" Your Honour,—Before I support this resolution which has been moved by Your Honour I want to remind the Council that the day of the meeting is so auspicious that it will be hard to find a parallel of this in the history of India. This is the first meeting after our glorious victory in the world-war the like of which had never been seen. After 4½ years' prolonged war of the British Government and the Allies with such a strong and cruel enemy, we have been blessed with a splendid success and this will save us from any such danger for centuries to come. Our congratulations are due to the British Nation and the British Navy which saved the menace from the doors of India and through whose heroic deeds this victory has been achieved. The times have been most historic and we, the Punjabis, are proud to have lived peacefully in such sensational times under the régime of Sir Michael O'Dwyer. The gates of India have been protected from all sorts of troubles through the foresightedness of the British statesmen and loyal Indian subject. We offer our humble thanks to them for what they did to guard and protect India from the enemy and terminated the war in victory. We are also thankful to the officers of Government by whose good work and statesmanship and good administration there have been no internal disorders and troubles. The times have been peaceful and we are now in the same good position as before the war five years ago.

" Our thanks are also due to those heroes who have gone and fought in the war and sacrificed their lives for their King and country and also to those families who have supplied and sent their sons and other relatives to battle fields. The Indian Army to which I am proud to belong deserves our praise for stopping the advance of the enemy in the early years of the war in France and for the glorious achievements in France, Mesopotamia and Palestine which have led to final victory. I am proud to belong to such a district in which

[*Khan Bahadur Khawaja Yusuf Shah ; Mr. Maynard.*]

no disturbance occurred during the troublesome time of war. How proud we all are to belong to such a big Empire the world has ever seen.

"The greatest pleasure is that this world-war began and finished with glorious victory in Your Honour's time.

"I pray for the King-Emperor's long life and His Honour's future prosperous life and for the good of my country and with this prayer I support this resolution."

The Hon'ble Khan Bahadur Khawaja Yusuf Shah :—"Your Honour,—I beg to support the resolution which has just been moved by Your Honour, which is to convey the loyal sentiments and congratulations of this Council to His Majesty the King-Emperor, on the termination of the gigantic war. Your Honour, our cause was just and right; we were fighting for the cause of righteousness, truth and justice and I all along have been confident that sooner or later that justice and righteousness would triumph. The result has been that our enemies one after the other have surrendered themselves unconditionally and begged for peace on their bended knees. I need not dilate much on what the Punjab has done. The Punjab has always been loyal and what the Punjab has done, it has done to keep up its old traditions under Your Honour's leadership, and I am sure the Punjab will always be ready, whenever the Government needs any such help to give it, as it has shown itself on the present occasion.

"With these few remarks I strongly support the resolution."

The Hon'ble Mr. Maynard.—"Your Honour,—It is not usual for official members to add anything to the speeches of non-officials on resolutions of this character, but this is a solemn and historical occasion which demands the making of new precedents. For four years and more we all have watched with almost terror in our hearts, when the enemy appeared to be gaining the objects of his wicked enterprise, the passion and agony of the world. We have seen solemn treaties torn up; we have seen the weak trampled under foot and outraged. We have watched all these and there were moments when it seemed as though right was indeed to be vanquished by might. But through it all, through dust and blood and tears our faith sustained us a faith that in the long run justice and right and the spirit which justice and right wakened in the hearts of men, that they must in the long run triumph. Now we see this faith, [this hope, realised and we know that at last the victory has been won. On such an occasion as this all distinctions between the subjects of this Empire vanish. There is no more the question of official or non-official, English man or Indian. We all are united and must all speak together in our message of thanks to the King-Emperor who is the embodiment of the spirit of the Empire and of that spirit which has now vanquished our enemies. (Applause.)

"Your Honour, it is to the King-Emperor that this resolution proposes that our congratulations shall be addressed, and in this fact there is a reminder of something very wonderful and very unique, differing from anything which has gone before, and differing from that which we see going on in other countries at the present time. At the present moment a wave of republicanism has been passing over the whole of Europe. Indignant at the agonies and sufferings and wrongs which kings and princes had brought upon them, we see a large portion of the races of Europe driving out their rulers. But at the very moment when we see this movement in progress, we see, as a wonderful and marked contrast, the people of United Kingdom and of the Empire calling upon their King to appear and to take his part in the triumph and be recognised as the true embodiment of the Empire's spirit. (Applause.) It is because the throne of the King-Emperor is broad based upon his people's will, it is

[*Khan Sahib Mirza Muhammad Ikram Ullah Khan ; Mr. Lumsden.*]

because he has been the representative of his people's will in the achievement of the victory of right, it is for that reason that we show a sentiment so widely different from that of the other peoples who have had cause to think differently of their rulers, and there is therefore a special and profound significance in the fact that this message of congratulation and thanks is addressed to our King Emperor: Your Honour, I shall not try to say more, but with these few words I heartily support on behalf not only of officials but of all Punjabis—the this resolution which has been moved by Your Honour."

The resolution was carried unanimously, the Council standing,

QUESTIONS AND ANSWERS.

The Hon'ble Khan Sahib Mirza Muhammad Ikram Ullah Khan asked :—

Communal
representation
in Pasrur
Municipality.

"1. Is the Government aware that the population of Pasrur town District Sialkot, according to last census is 7,564, out of which Muhammadans number 5,145 and the rest is distributed over Hindus, Sikhs, Jains and Christians ?

"2. Is the Government aware that out of six elected members of the municipality of Pasrur only one is Muhammadan, and that this state of affairs exists from many years ?

"3. Is the Government aware that the Muhammadans of Pasrur to safeguard their interests submitted a memorial signed by thousands of Muhammadans through the Deputy Commissioner of Sialkot praying for separate communal representation according to the proportion of their population ?

"4. Is it a fact that Government has from time to time granted separate electorates to the municipalities of Sialkot, Eminabad, Wazirabad, Gujrat, Sonapat, Lahore and several other municipalities ?

"5. Will the Government also be pleased to consider favourably the representation of the Muhammadans of Pasrur and allot four out of six elected seats in accordance with their numerical proportion ?"

The Hon'ble Mr. Lumsden replied : —

"The statements contained in the first two questions put by the Hon'ble Member are correct. Government has at present under consideration the introduction of new rules of election for the municipality of Pasrur and in the Punjab Government notification No. 14047, dated 17th July 1915, objections on the part of the public were invited to the rules which it is proposed to introduce. No memorial of the nature referred to by the Hon'ble Member has yet been received by Government, but a report from the Deputy Commissioner, Sialkot, on the desirability of communal representation in Pasrur has been called for and Government will give full consideration to any representation which may be received before the rules are confirmed. The Hon'ble Member, however, no doubt realises that the figures of population do not constitute the only standard.

"Separate electorates have been granted in the case of several municipalities including those mentioned by the Hon'ble Member with the exception of Gujrat and Sialkot."

The Hon'ble Khan Sahib Mirza Muhammad Ikram-Ullah Khan asked :—

Winter
Uniform of
Indian Sub-
Inspectors.

"6. Will the Government be pleased to state if the Indian Sub-Inspectors of Police in the Punjab are provided with warm uniforms for winter, and if so, what are the warm clothings ?"

[Khan Sahib Mirza Muhammad Ikram Ullah Khan; Mr. French; Colonel MacWatt.]

"7. Is it a fact that Indian Sub-Inspectors of Police in the Punjab are required to wear Jodhpore breeches throughout the year? Would Government be pleased to consider the substitution of pants or knickers in the hot weather?" Substitution of pants or knickers.

"8. Is it a fact that the Indian Sub-Inspectors of Police are not allowed the use of leather leg guards in riding while European Police Sergeants are provided with them?" Use of leather leg guards.

"9. Is the Government aware of the hardship to Indian Sub-Inspectors of Police in the Punjab in putting on the insignia of stars on fronts of their collars instead of on their shoulders, and will the Government be pleased to consider the advisability of issuing orders for stars to be worn on shoulders?" Mode of wearing insignia of stars.

The Hon'ble Mr. French replied:—

"6. Indian Sub-Inspectors are not provided with warm uniform for winter use. The khaki working dress of all ranks, Indian and European, is of drill and is worn throughout the year with under-clothes as necessary."

"7. Indian Sub-Inspectors are required to wear khaki drill Jodhpore breeches throughout the year. Khaki pants are not suitable for Indian non-gazetted officers and are not worn by Indian officers of the Indian Army. The use of khaki shorts is not prescribed either for gazetted or non-gazetted officers of the force. It is believed that Indian non-gazetted officers as a class would not welcome an order prescribing the wearing of shorts."

"8. Indian Sub-Inspectors are allowed the use of patts and leather patti tops for riding purposes. These guard the legs sufficiently and, so far as is known, are generally approved by the wearers. European Sergeants who are mainly employed on ceremonial and traffic duties are allowed to wear the more formal, if less comfortable, leather gaiters; but it is not thought necessary to prescribe such leggings for Indian Sub-Inspectors whose duties are mainly connected with the investigation of crime."

"9. So far as it is known no representations have been made by Sub-Inspectors on the subject of the position of their badges of rank. Non-gazetted officers are ordered to wear stars on their collars in order to distinguish them from gazetted officers who wear these badges of rank on their shoulder-straps."

The Hon'ble Khan Sahib Mirza Muhammad Ikram Ullah Khan asked:—

"10. Is it a fact that on account of severity of influenza all the colleges and schools in Lahore were closed with the solitary exception of the Medical College?" Closing of the Medical College during influenza epidemic.

"(b) If so, does the Government consider the medical students immune from the dangers of the influenza?"

"(c) Are not the students, for whom Boarding Houses are not provided, causing spread of the infection in the College?"

"(d) Will the Government be pleased to state its reasons for not closing this particular College?"

The Hon'ble Colonel MacWatt replied:—

"It is a fact that all the colleges with the exception of the Aitchison College in Lahore were closed on account of the influenza epidemic. It is believed that nearly all of the schools were also closed. The Lahore Medical College

[Colonel MacWatt; Pandit Jowahir Lal.]

and School were closed from the 4th November 1918, some of the students being employed on medical work at Lahore and the rest in their respective districts under the orders of Civil Surgeons.

"(b) The Government does not consider the medical students immune from the dangers of influenza, but it is desirable that they should learn to face risks now which they will have to undertake regularly in the course of their profession.

"(c) The answer is in the negative. The wards of the Mayo Hospital were occupied by many cases of influenza—at one time amounting to 200—brought from the City for treatment, and the presence of the students who assisted in looking after and treating them could scarcely be considered as instrumental in causing spread of the infection.

"(d) During the height of the epidemic in Lahore City, when there were so many cases under treatment in hospital, and numerous members of the nursing and other staff were themselves affected, it was not considered advisable to close the college, as the medical students were required for duty in connection with the epidemic, and they were also learning their professional work. When it was found that the epidemic was universal throughout the Province the Medical College and School were closed and the students sent to their respective districts to assist the medical staff locally which were becoming over-worked."

The Hon'ble Pandit Jowahir Lal, Bhargawa, asked :—

"11. Will the Government be pleased to state—

- (a) the number of deaths from influenza since its outbreak in the Punjab up to 25th October 1918 ;
- (b) what steps have been taken by the Government to combat the disease ;
- (c) what further steps the Government contemplates to take with a view to check the further spreading of the epidemic ?"

The Hon'ble Colonel MacWatt replied :—

"(a) It is impossible to state accurately the number of deaths from influenza since its outbreak in the Punjab up to the 25th October 1918, as numerous deaths have no doubt been recorded under the heading of 'fevers', 'pneumonia,' etc., and complete information cannot be obtained. Approximately the number may be stated as—

Cases 805,006, deaths 108,411.

"(b) On the first intimation of the outbreak of influenza in the Province Civil Surgeons were directed to immediately utilize the services of the Malaria Medical Staff to the utmost, and to report forthwith the extent to which the epidemic affected the district, and the measures taken to combat it. The Plague and Vaccination Staffs and all surplus compounders were also utilized. On the appearance of the disease in their respective districts Civil Surgeons issued without delay instructions to the public as to the precautionary measures that should be adopted, and arranged for the distribution of medicines as far as possible with the resources at their disposal, and, in some cases, had segregation camps and hospitals established outside towns. They sent out travelling dispensaries for house to house visits in towns and villages : while Sub-Assistant Surgeons in-charge of dispensaries itinerated in the neighbouring villages and treated patients. Local bodies voted grants for the purchase and distribution of medicines, medical comforts, nourishment and other assistance, and the public also came forward and aided with funds. The Local Government has

[Colonel MacWatt.]

promised substantial monetary assistance. By the end of the third week of October the epidemic had become general and severe and the demands on the medical staff exceeded its resources, as by then many Medical Officers and Sub-Assistant Surgeons were themselves attacked, in several cases with fatal results, and the greatest difficulty was experienced in arranging to fill their places. Owing to casualties and the depletion of the Medical Department on account of the war there was no reserve of Medical Officers or Sub-Assistant Surgeons to fall back upon. The Government of India were accordingly asked to return temporarily 50 Punjab Sub-Assistant Surgeons. Civil Surgeons were instructed to make every effort, with the help of Deputy Commissioners, Presidents of Local Boards, Municipal Commissioners and leading citizens to secure the services of retired medical men and compounders, as also indigenous agency in the way of baidis and hakims, members of the St. John Ambulance Association and all those trained in First Aid; for itinerating dispensaries and relief centres for distribution of medicines, medical comforts, nourishments, blankets and clothing.

"The Medical College and Medical School have been closed for the time being and the students sent to the districts to which they belong to report themselves to Civil Surgeons for influenza relief duty. 281 College and 288 School students have thus been made available.

"Civil Surgeons were directed to supply medical students and others with large bottles of medicines according to prescriptions suggested by Inspector-General of Civil Hospitals in the shape of (a) an Influenza mixture, (b) Pneumonia mixture, for distribution on their rounds.

"In Lahore itself one hundred extra beds have been opened in the Mayo Hospital for influenza cases and 7 travelling dispensaries established by the Municipal Committee have been working since the epidemic became pronounced under the charge of medical men, and 7 medical men are distributing medicines and medical comforts. The four existing municipal dispensaries in Lahore have been worked to the utmost in the treatment of influenza cases.

"Thirty milk shops—20 in the City and 10 outside—have also been established by the Municipal Committee at fixed places where poor people can get milk free on the presentation of milk tickets. Seven milk shops have so far been opened in the City where milk is sold to the public at the fixed rate of 3 annas a seer.

"Sub-Committees have been formed by the various Ward Members of the Municipal Committee who help in the distribution of medicines and milk. College students volunteered their services; they work under the medical men in charge of travelling dispensaries and bring them information about poor patients.

"Public bodies like the S.P.S.K., Arya Samaj, Hindu Sabha and Hindu Serving Club, are doing much useful work. The residents of Mohalla Sarin have opened a temporary charitable dispensary near Bhagat Ram's Temple where the poor are treated.

"An emergent meeting of the St. John Ambulance Association was held at Government House on the 1st November 1918, at the instance and under the presidentship of Lady O'Dwyer to organise relief work for poor pardah women. The Association has sanctioned a large sum of money for free distribution of medicine, condensed milk, pneumonia jackets and other clothing and medical comforts. Numerous European and Indian ladies volunteered their services; and, under the guidance of Dr. Miss Scott, have formed parties who in co-operation with the municipal travelling dispensaries, go round the City and Civil Station every morning visiting the pardah and other

[Colonel MacWatt; Pandit Jowahir Lal; Mr. Richey.]

women and distributing free medicine, milk tickets, pneumonia jackets and other medical comforts.

"Free milk tickets are also issued by the Health Officer, all the medical men and all the Municipal Commissioners. Arrangements of like nature are in existence in the various cities and towns of the Province.

"All local authorities are discouraging local meetings, crowds, cinemas and other places of amusement: and advising those attacked with influenza to lie up, avoid chills and sudden changes of temperature without exclusion of fresh air and to take light nourishing diet. They are also recommending the healthy to avoid close ill-ventilated rooms, and to keep themselves apart from the sick as much as they can.

"(c) The epidemic which has been universal, unprecedented, and unparalleled in extent, and beyond the resources of the regular medical staff which is doing all it can under the circumstances, fortunately now shows signs of rapid subsidence. Government is doing every thing possible with the resources at its disposal to help the people in coping with this grave calamity."

The Hon'ble Pandit Jowahir Lal, Bhargava, asked :—

second Gov. of
ment and
raining
colleges.
"12. Will the Government be pleased to state how far the proposals of establishing a second Government College and a second Training College have progressed?"

The Hon'ble Mr. Richey replied :—

"(a) Government is of opinion that the interests of University education will be better served by the establishment of two Government intermediate colleges rather than of one full Government College outside Lahore, since the approved policy of the Punjab University is to concentrate as far as possible all higher University teaching in Lahore. Multan and Ambala are now the only divisions which have no University College, and it is proposed that one of the new colleges shall be situated in Multan and the other at either Ambala or Ludhiana. The Local Government has already addressed the Commissioners of Multan, Jullundur and Ambala to form local committees to consider the necessary preliminaries, and the University has kindly lent the services of the Registrar, who with the Principal of the Government College and myself, will visit these three centres during the present month, and submit schemes for the approval of Government.

"(b) A site for a second training college has been acquired at Jullundur and provision was made in this year's Public Works Department estimates for the construction of the building. Owing, however, to the present prohibitive cost of building material the scheme has been temporarily postponed. Meanwhile a conference on Agricultural Education which met in July at Simla recommended the establishment of a Training College for senior vernacular teachers at Lyallpur, where it should be in close touch with the Lyallpur Agricultural College. I am glad to say the Government of India has just approved of this proposal and has made a special grant of one lakh to the Province towards the construction of the new college. The transfer of the Senior Vernacular classes to Lyallpur will set free additional accommodation for senior English teachers at the Central Training College but the Lyallpur Training College will be in addition to, not in place of, the second college at Jullundur.

The Hon'ble Pandit Jowahir Lal, Bhargava, asked :—

penditure
sanitation.
"13. Will the Government be pleased to state how much of the amount allotted to sanitation for the current year has been spent up to this time and how is the balance to be utilized?"

[Mr. Lumsden; Pandit Jawahir Lal; Mr. Townsend.]

The Hon'ble Mr. Lumsden replied :—

"Of the grant of 4 lakhs placed at the disposal of the Sanitary Board, Punjab, for the year 1918-19, the sum of Rs. 1,21,393 has already been allotted in grants-in-aid for sanitary works. The balance therefore available is Rs. 2,78,607.

"Applications for further grants are pending : these the Sanitary Board will consider at its next meeting."

The Hon'ble Pandit Jawahir Lal, Bhargava, asked :—

"14. Will the Government be pleased to state what steps the Government propose to take to bring down the prices of foodstuffs and cloth from their present abnormal height?" Prices of foodstuff.

The Hon'ble Mr. Townsend replied :—

"Government welcomes this opportunity of stating what action has been taken, and what action is under consideration, in these important matters.

"As regards foodstuffs, the Government of India has recently, with the consent of the Secretary of State, prohibited the export overseas of foodgrains from India, save to Mesopotamia, for military requirements and steps are being taken to examine and curtail these requirements as much as possible.

"All the available evidence shows that there is abundance of wheat and gram in this Province; of wheat in the Canal Colonies, and other irrigated tracts, and of gram in the South-East Punjab, and the Sind-Sagar Thal, both of which had very good crops last rabi. The millets and other kharif food grains are, unfortunately, very short owing to the failure of the recent monsoon, and the excessive rainfall of its predecessor. But the deficiency in them can be partly made up from the existing wheat and gram stocks

"The position is however aggravated by the failure of the monsoon all through India. Regarding India as a whole the recent monsoon was the worst that India has experienced since 1977. At a result of this, other Provinces which always indent on the Punjab to a greater or less extent for food grains, especially wheat and grain, will require considerably larger supplies than usual from the Punjab during the next few months. To co-ordinate those indents, and so far as may be possible, to regulate the prices at which these grains are purchased for export to other Provinces the Government of India has recently appointed a Foodstuffs Commissioner. For the present, the only grains with which he is concerned are wheat and rice, but it is probable that his control will be extended to the more important of the other food grains as soon as possible. The export of no food grain from this Province, save in so far as Military requirements are concerned, is permitted, except on certificates issued, or countersigned by the Director of Civil Supplies of this Province. Before he issues, or countersigns such certificate, the Director of Civil Supplies of the importing Province is always consulted. This procedure insures that these grains only go where they are really needed. A careful district survey of stocks of grain is also being made in order to ensure that grain required in the Province is not exported from it.

"As regards the food supply of India as a whole, it appears that despite the present poor prospects of the coming rabi, there is no reason to anticipate any serious deficiency. For one thing, the coming Burma rice crop, which ripens in January, is said to be promising, and steps are being taken by the Government of India to secure the greater part of it, and of the present rice crop in that Province, for the needs of India. To turn to this Province the prices of the principal food grains are, undoubtedly, extremely high. That fact is, in the opinion of Government, a natural consequence of the general failure of the

[Mr. Townsend.]

monsoon all over India. But Government is also of opinion that the present level of the prices of food grains is higher than is warranted by even those considerations. The two principal causes of this unwarranted rise are hoarding with a view to future profiteering and speculation, which is being indulged into a most unusual extent.

"To combat these evils, Government has recently called on all holders of stocks of wheat and gram of over 500 maunds in amount in the most important grain districts of the Province, to declare their stocks, and to say why they are holding them. And Government is prepared if necessary to take over, under Ordinance 9 of 1914, at a reasonable price stocks of grain which it considers are being unreasonably withheld from the market, merely with a view to profiteering or speculation. Should these steps fail in their desired purpose, Government will consider the policy of declaring, with the sanction of the Government of India, a maximum price for the principal food grains, under the Defence of India Act. Thereafter any person selling above the maximum rates prescribed by Government will be liable to criminal prosecution.

"To help the poorer classes in towns, purdah nishin women and the like, many municipalities have opened cheap grain shops, and, to assist them in financing these shops, Government is placing the sum of one lakh of rupees at the disposal of the municipalities of the Province, through the Provincial Branch of the Imperial Indian Relief Fund, which has already allotted one lakh to municipal committee and is arranging to allot 2 lakhs more.

"To the price of cloth, the other matter which the Hon'ble Member refers to, somewhat different considerations apply. I presume he refers to cotton cloth. It is undoubtedly selling at a very high price and has risen enormously in price since the war began.

"I may explain however that the price of cotton and with it, of cotton cloth, had, even before the war been tending slowly, but steadily upwards, the reason being that the world's demand for cotton is increasing faster than the supply. Such steps as are possible are being taken all over the world, including India, to meet the increased demand. I may instance the appointment of the recent Cotton Committee in India to ascertain what steps could best be taken by it to increase the area under long-stapled cotton in this country. The Hon'ble Member is doubtless aware of the largely increasing areas being placed under the comparatively long-stapled American cotton in this Province every year. The rise in price to which the Hon'ble Member refers has taken place both in imported and Indian-made piece-goods. The first is, to a large extent, due to the diminished output from the Lancashire mills mainly in consequence of the war. Another reason for this lessened output from Lancashire is to be found in the greatly decreased amounts of raw cotton that country is receiving from America and Egypt, on account of shipping difficulties.

"To these considerations must be added the very largely increased rates of wages of labour in England on account of the scarcity of labour there, and the largely enhanced cost of living. Lancashire is charging the same rates to India that she is charging to other parts of the world. I would point out that a suggestion made in the Press recently that India has her remedy for the high prices that Lancashire is charging for piece-goods and has only to stop her export to bring Lancashire to her knees, is entirely erroneous. Only 6 per cent. of the raw cotton imported into Lancashire comes from India.

"Indian mills have raised their charges for cloth to almost the same level as the Lancashire mills and undoubtedly have made very large profits recently. A remedy frequently put forward in the Indian Press for the high price of cloth is the absolute prohibition of the export of raw cotton from

[Mr. Townsend; Pandit Jawahir Lal; Mr. Aikman.]

India. In the opinion of Government such prohibition would not have the desired effect. Every loom and spindle in India is at present working to its maximum capacity. Consequently, the absolute prohibition of the export of raw cotton from India, would only result in a large proportion of India's cotton crop remaining unspun and unwoven. On this question generally, the fact that the cultivators of this Province are getting prices for their cotton at least treble of what they used to get for it in pre-war days must not be forgotten.

"To meet the general difficulty, that is being felt from the high price of cloth, the Government of India have recently taken legal power for the manufacture of what is known as standard cloth by the mills. It is hoped to make this cloth available to the poorer classes for whom it is meant, at rates considerably lower than those at present prevailing. The agency for its distribution is at present under the consideration of Government and it is hoped that supplies will begin to be available from the beginning of January. A substantial fall in the price of piece-goods has recently taken place, and this should to some extent relieve the situation.

"Before leaving this subject of high prices generally, I may say that the situation would be much more acute but for the very large sums of money that are coming into the Province at present as a result of the war or of circumstances connected therewith, and the great demand for labour of all descriptions with corresponding high rates of pay. But it is recognised that these do not benefit the poorer middle classes on fixed incomes in the towns and that those classes have a strong claim for some relief from the funds above indicated."

The Hon'ble Pandit Jawahir Lal, Bhargava, asked :—

"15. (a) Is the Government aware that timber, rafter and other wood materials used to be brought by water to Hansi in the Hissar District *via* Jind, through the Western-Jumna Canal, and that from some time past this means of traffic has been stopped under the orders of the canal authorities, resulting in loss to traders and great inconvenience to the general public?"

Traffic in the
Western
Jumna Canal.

"(b) That in view of the present high prices of timber and other wood materials in the Hissar District and the difficulty of bringing the same by rail will the Government be pleased to consider the advisability of removing the restriction and re-opening the passage by canal?"

The Hon'ble Mr. Aikman replied :—

"(a) The Hansi Branch of the Western Jumna Canal is part of the old Canal made about A. D. 1350 by the Afghan Emperor Peroz Shah and, being of considerable width, was formerly navigable as far as Hansi. The capacity of the Branch has been reduced from time to time in the interests of irrigation efficiency, and to meet the requirements of new Branches and distributaries elsewhere. As it was found that navigation below Jind on the Hansi Branch, now reduced to the status of a mere distributary, led to the waste of valuable water and other practical difficulties, while the actual use made of the channel for navigation was small, the Government of India readily accepted the proposal of this Government to close the channel to navigation from 1st April 1915, and the closure was notified in *Punjab Gazette Notification No. 01917-W.I., dated 13th October 1914.*"

"(b) Government does not propose to take the action suggested, because it would inevitably lead to a dislocation of the irrigation arrangements, on which over 100,000 acres annual irrigation depends, and to a waste of water always deplorable, but especially so at the present juncture and not likely to be adequately counterbalanced by a possible slight reduction in the price of timber at Hissar."

[*Rai Bahadur Ram Saran Das on behalf of Rai Bahadur Raizada Bhagat Ram; Mr. Richey.*]

The Hon'ble Rai Bahadur Ram Saran Das on behalf of the Hon'ble Rai Bahadur Raizada Bhagat Ram asked :—

Class I of the Subordinate Educational Service.

"16. Will the Government be pleased to state what steps have been taken to remove the anomaly admitted by the Hon'ble Mr. Godley, Director of Public Instruction, Punjab, in reply to an interpellation by the Hon'ble Sardar Bahadur Gajjan Singh in the Council Meeting of the 13th March 1914 regarding the officers of Class I in the Educational Subordinate Service?"

The Hon'ble Mr. Richey replied :—

"I am sorry that I can add little to the reply given by Mr. Godley to the Hon'ble Sardar Bahadur Gajjan Singh in 1914. The reconstitution of the Provincial Educational Service is still under consideration by the Government of India. As has previously been stated any such reconstituted service would absorb Class I of the Subordinate Educational Service."

The Hon'ble Rai Bahadur Ram Saran Das on behalf of the Hon'ble Rai Bahadur Raizada Bhagat Ram asked :—

Promotion of the above class.

"17. Will the Government be pleased to favourably consider at the time of removing this anomaly the claims of officers of Class I whose promotion has been retarded during this period of 4½ years?"

The Hon'ble Mr. Richey replied :—

"Promotion in Class I of the Subordinate Educational Service is as a matter of fact a great deal more rapid than in the Provincial Educational Service. Therefore the problem suggested in the question does not arise."

The Hon'ble Rai Bahadur Ram Saran Das on behalf of the Hon'ble Rai Bahadur Raizada Bhagat Ram asked :—

Assistant Inspectors of Schools.

"18. Is it a fact that all present Assistant Inspectors of Schools before being appointed as such were in Class II of Subordinate Educational Service and thus junior to the present officers of Class I of the same service?"

The Hon'ble Mr. Richey replied :—

"Yes. All the Assistant Inspectors of Schools have been chosen from Class II of the Subordinate Educational Service. There are therefore a certain number of officers in Class I of the Subordinate Educational Service who have been longer in Government service than the most recently appointed Assistant Inspectors. Appointments to the Provincial Educational Service are, of course, not made according to seniority only, but with reference to the officer's special fitness for the vacant post."

The Hon'ble Rai Bahadur Ram Saran Das on behalf of the Hon'ble Rai Bahadur Raizada Bhagat Ram asked :—

Assistant Inspectors of Schools officiating as Inspectors in suspension of Head Masters getting higher pay.

"19. Is it also a fact that when an Inspector of Schools goes on leave an Assistant Inspector, although once junior to the officer of Class I of Subordinate Service getting Rs. 200, is appointed in charge of office or as an officiating Inspector of Schools over Head Master of Government High Schools getting from Rs. 250 to Rs. 400?"

The Hon'ble Mr. Richey replied :—

"Certainly. An officer of the Provincial Educational Service is a gazetted officer and holds a higher rank than any officer of the Subordinate Educational Service."

[*Rai Bahadur Ram Saran Das on behalf of Rai Bahadur Raizada Bhagat Ram ; Mr. Lumsden ; Colonel MacWatt ; Captain Sardar Gopal Singh.*]

The Hon'ble Rai Bahadur Ram Saran Das on behalf of the Hon'ble Rai Bahadur Raizada Bhagat Ram asked :—

"20. In reply to my questions Nos. 42-48 regarding the removal of women of bad repute from certain lanes of Simla asked at the meeting of the 24th April 1918, the Hon'ble Mr. Lumsden was pleased to state that the Government had no information in respect of the matter referred to in these questions. Will the Government be pleased to state whether any enquiries have since been made into the said subject. If so, will the Government kindly give the result of the enquiries ?

"21. With regard to my question No. 49 in the same meeting the Government was pleased to say that the matter will be brought to the notice of the Municipal Committee, Simla, will the Government be pleased to say whether this was done, and, if so, with what result ?"

The Hon'ble Mr. Lumsden replied :—

"With the Hon'ble Member's permission I will reply to questions 20 and 21 together. In pursuance of the promise made at the meeting referred to, Government forwarded, through the Commissioner of the Division, copies of the questions asked by the Hon'ble Member on this subject. An explanation of the position has since been received, from which it appears that in 1915 efforts were made by the committee to prohibit the keeping of brothels and the residence of public prostitutes within municipal limits. The Chief Court decided the following year that a house in which a prostitute plied her trade was not a brothel within the meaning of section 153 of the Punjab Municipal Act. In view of this decision the committee found themselves unable to take any general action, but are quite prepared to take action against any individual prostitute in regard to whom well-founded complaints are received. It is reported, however, that there have been no recent complaints regarding prostitutes in Simla. The matter appears to be one in regard to which the local body may safely be trusted to take all necessary action and Government does not propose to issue any orders on the subject."

The Hon'ble Rai Bahadur Ram Saran Das on behalf of the Hon'ble Rai Bahadur Raizada Bhagat Ram asked :—

"22. Would the Government be pleased to consider the advisability of constituting a Hospital Committee for the Mayo Hospital with sufficient element of non-official Honorary Indian Visitors who would help the authorities with their suggestions, bring to their notice the real needs of the public and generally co-operate with them."

Proposals to constitute a Hospital Committee for the Mayo Hospital.

The Hon'ble Colonel MacWatt replied :—

"The matter is under the consideration of the Principal, King Edward Medical College, and Inspector-General of Civil Hospitals, Punjab."

The Hon'ble Captain Sardar Gopal Singh asked :—

"23. (a) In view of certain inconveniences to which lambardars are put when tending payment of Government revenue in the tahsils by the menial clerical establishment and in view of the time of payment coinciding with the harvest season when the presence of zamindars is needed in their fields, will the Government be pleased to consider the advisability of permitting Government revenue being paid through the agency of the Post Office with such concessions as are applicable in the case of disbursement of pay of school teachers through that agency ?

Payment of Land Revenue through Post Office.

"(b) In case this be not permissible, will the Government allow the charge of the money-order commission being charged to Government ?"

[Mr. Maynard; Captain Sardar Gopal Singh; Mr. Craik.]

The Hon'ble Mr. Maynard replied :—

"(a) The Hon'ble Member appears to be under a misapprehension when he states that the time of payment of land revenue coincides with the harvest season. The dates of payment of land revenue are fixed at some convenient time after the harvest. The Hon'ble Member is referred to paragraph 502 of the Punjab Land Administration Manual and to paragraphs 557-559 of the Punjab Settlement Manual. The system of payment of land revenue by money-order has been in force for a number of years and during the agricultural year 1916-17 nearly 15 lakhs of land revenue were so paid.

"No concessions are allowed by the Post Office in the case of disbursement of pay of school teachers by money-order, but local bodies usually bear the cost of the commission.

"The Post Office authorities were consulted in 1903 and again in 1912, and on both occasions replied that they were unable to reduce the rate of commission charged for the remittance of land revenue by money-order. At considerable places, head-quarters of districts and tahsils, no special facilities for the remittance of land revenue through the Post Office are required. At smaller places a reduction in fees might result in very considerable sums being paid in at Post Offices which had neither the means to keep the cash in safety nor the establishment to guard it, while the transmission of these sums to the Sadr would involve difficulty. The system of remittance by money-order is intended to give facilities to persons who have small sums to remit and who for personal payment of the revenue have to undertake journeys and incur expenses out of proportion to the amount of revenue to be paid. It was never intended or desired to give a cheap mode of remittance to persons who have such large payments to make that they find a commission of one per cent. heavier than the expenses of a journey, carriage and other incidental items.

"(b) Government is not prepared either to move the Post Office authorities again to reduce the cost of the commission on remittances of land revenue by money-order or itself to bear the cost of such reduction."

The Hon'ble Captain Sardar Gopal Singh asked :—

Statement showing by religion persons recommended as Munsifs and Extra Assistant Commissioners.

"24. Will the Government be pleased to lay on the table a statement showing by religion (Hindus, Muhammadans, Sikhs or Christians) the number of persons appointed or recommended by the Chief Court during the last 10 years—(a) Munsiffs (b) Extra Assistant Commissioners; also a statement showing the number of persons of Zamindari classes as holding these posts, during the same period?"

The Hon'ble Mr. Craik replied :—

"I lay on the table a statement* giving the information asked for?"

The Hon'ble Captain Sardar Gopal Singh asked :—

Clerical Establishment of Sessions Courts by religion.

"25. Will the Government lay on the table a statement by religion (Hindus, Muhammadans, Sikhs and Christians) of the permanent clerical establishment of the District and Sessions Judges' Courts in the Punjab?"

The Hon'ble Mr. Craik replied :—

"The information asked for is being collected."

[*Captain Sardar Gopal Singh ; Mr. Craik ; Sardar Bahadur Sardar Gajjan Singh ; Mr. French.*]

The Hon'ble Captain Sardar Gopal Singh asked :—

"26. Will the Government be pleased to lay on the table a statement showing— Establishment of Hissar Cattle Farm.

- (a) The number of Deputy Superintendents either officiating or permanent in the Civil Veterinary Department including the Hissar Cattle Farm ?
- (b) How many of these are Hindus, Muhammadans or Sikhs ?
- (c) The number of Inspectors and Assistants (Hindus, Muhammadans or Sikhs) in this Department who are lower in rank than the Deputy Superintendent ? "

The Hon'ble Mr. Craik replied :—

"The statement* is laid on the table."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh asked :—

"27. Has the attention of the Government been drawn to an article in the *Loyal Gazette*, Lahore, of the 13th October 1918, under the heading 'Gidari ka Waqia' and of the 20th October 1918, under the heading 'Waqia Haila Gidari' ? " "Gidari ka Waqia."

The Hon'ble Mr. French replied :—

"The answer is in the affirmative."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh asked :—

"28. Will the Government be pleased to state if the facts mentioned in the above articles, especially with reference to the destruction of Siri Guru Granth Sahib by fire, are correct ?

—"29. If the answer to the above question is in the affirmative what action has been taken against the criminals ? "

The Hon'ble Mr. French replied :—

"From a report recently received it appears that the alleged incident at Gidari in the Jhelum District is now the subject of judicial proceedings. In the circumstances, it would be improper for Government to express any opinion as to the correctness or otherwise of particular allegations made by the complainants or the accused.

"Much excitement was caused throughout the Province last month by the published accounts of the alleged sacrilege, and in view of this excitement Government at once instituted enquiries into the matter. The facts as elicited by the Police investigation were published in a *Press Communiqué* issued at the beginning of this month (a copy of which is laid on the table) : but it is understood that the complainants in the case do not accept this version of the affair reported by the local authorities. The matter, therefore, must be left to the unprejudiced decision of the criminal court."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh put the following supplementary question :—

"As the matter is *sub judice*, will the Government be pleased to withdraw the *Press Communiqué* as its issue is likely to prejudice the trial of the case ? "

[Mr. French; Sardar Bahadur Sardar Gajjan Singh.]

The Hon'ble Mr. French replied :-

"I would point out to the Hon'ble Member that these questions and answers will be published, and that it is distinctly stated here that the Press *Communiqué* was based on facts elicited by the Police investigation, and that now the matter is being left to the unfettered discretion of the criminal courts, and it would appear to be unnecessary to take further steps in the matter."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh asked :-

"30. Has the attention of the Government been drawn to the article in the *Khalsa Advocate*, dated 24th September 1918, under the heading of 'A Police high-handedness'?"

The Hon'ble Mr. French replied :-

"The answer is in the affirmative."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh asked :-

"31. Will the Government be pleased to state if the facts mentioned in the article regarding the forcible removal of *Kangha* (comb) and *Kara* are correct?"

The Hon'ble Mr. French replied :-

"The account given by the *Khalsa Advocate* of the removal of the *Kanghas* and *Karas* at Dudhial in the Jhelum District is substantially correct. Three Khatri Sikhs were indicted for theft of a sack of wheat in the Tahsildar's Court at Chakwal. The judicial lock-up being crowded the Sub-Divisional Officer released them on bail. On the 11th September the Tahsildar, after hearing the prosecution evidence at Dudhial, framed a charge against the three accused and ordered that they should be arrested and placed in the judicial lock-up. The Assistant Court Inspector, a constable, thereupon handcuffed them, and before taking them to the lock-up searched them as usual. On their requesting to be allowed to retain their *Kanghas* and *Karas* they were told to apply for permission to retain them to the Tahsildar, who instructed the constable to follow the usual practice. The Sub-Inspector of Police Station Nila, who was present at the time, said that the Police rules did not allow any articles to be taken into a lock-up by an accused person, whereupon the Assistant Court Inspector removed the *Kanghas* and *Karas*."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh asked :-

"32. Will the Government be pleased to issue necessary instructions to the Police Department not to interfere with the possession of the religious symbols of the Sikhs in future?"

The Hon'ble Mr. French replied :-

"The provision of law which lays down that a prisoner shall be searched on arrest is section 51, Criminal Procedure Code, according to which the Police officer making the arrest may place in safe custody all articles, other than necessary wearing-apparel, found upon such prisoner. Normally, there is no need to remove articles such as the *Kangha* and *Kara* (particularly if the former is made of wood and not of metal), nor indeed is such a practice common in the provincial lock-ups: but the matter is one which must be left to the

[Sardar Bahadur Sardar Gajjan Singh; Mr. French; Rai Bahadur Bakhshi Sohan Lal; Rai Bahadur Ram Saran Das.]

discretion of the officers in charge, for in the hands of a dangerous or desperate criminal these symbols could be used to attempt suicide, or, possibly, escape, or to cause self-inflicted injuries with the object of substantiating allegations of ill-treatment by the Police. In the present instance there would appear to have been no urgent need for the removal of the symbols from the persons of the accused: and while Government is not prepared to issue orders forbidding the removal of *Kanghas* and *Karas* in any circumstance, the attention of the Inspector-General of Police has been drawn to the advisability of impressing on Police officers the exercise of due discretion in such cases."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh asked the following supplementary question:—

"Will Government be pleased to state if there are any cases since the advent of the British Raj in the Punjab where *Kanghas* and *Karas* have been ever used for the purpose of committing suicide or infliction of other injuries by any under-trial prisoner?"

The Hon'ble Mr. French replied:—

"I must ask for notice of that question."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal asked:—

"33. Will the Government be pleased to lay on the Council table a detailed statement giving the number of male residents possessing any of the following qualifications in each of the districts of the Punjab:—

- (a) Every jagirdar or land revenue-payer of not less than Rs. 250 per annum.
- (b) Every person who pays house or land rent of not less than the value of Rs. 600 per annum.
- (c) Every income-tax payer.
- (d) Every person who owns house property worth Rs. 20,000.
- (e) Every non-student matriculate, or person holding a Punjab University Diploma on the Oriental side.
- (f) Every person holding a title or honour conferred by Government and published in the Honours Lists."

The Hon'ble Mr. L. French replied:—

"The statement* laid on the table gives such information as it has been possible to collate in reply to the questions asked by the Hon'ble Member.

"No statistics are available to show the number of persons paying house or land rent of not less than Rs. 600 per annum, or the number of non-student matriculates or persons holding a Punjab University Diploma on the Oriental side.

"The statement, it will be seen, is not complete in respect of certain minor points as explained in the footnotes."

The Hon'ble Rai Bahadur Ram Saran Das asked:—

"34. Will the Government kindly state for the information of this Council what proportion of expenditure on compulsory education is the Government prepared to meet under the proposed scheme of proposed compulsory primary education?"

Expenditure on compulsory primary education.

*See Appendix 2.

[*Mr. Richey; Rai Bahadur Ram Saran Das.*]

The Hon'ble Mr. Richey replied :—

" It is impossible for Government to state the proportion of the cost of compulsory education which it proposes to meet in the case of each local body, which may elect to introduce compulsion. The proportion must vary in accordance with the financial position of each local body. At present Government has no data as to the cost of introducing compulsory education in any area in the Punjab. Under the scheme recently proposed to District Boards Government has agreed to meet about two-thirds of the recurring cost of the 5 years programme up to a maximum of about 8 lakhs and to provide up to 2 lakhs annually on non-recurring expenditure. "

The Hon'ble Rai Bahadur Ram Saran Das asked :—

" 35. Will the Government kindly explain for the information of this Council the scheme they have proposed for the provision of a sufficient number of trained teachers for the primary schools which are bound to increase very much in numbers under the new scheme of compulsory primary education ? "

Scheme for
the provision
of trained tea-
chers for
Primary
Schools.

The Hon'ble Mr. Richey replied :—

" There are at present 11 normal schools. It is hoped to add one new normal school in each division. One was opened this year at Gujranwala. The increase in normal schools will be in proportion to the number of candidates forthcoming for them, and the increase must therefore be progressive. "

The Hon'ble Rai Bahadur Ram Saran Das asked :—

" 36. Will the Government kindly state for the information of this Council—

Expenditure
on normal
schools.

- (a) the amount they have been spending on the maintenance of normal schools during each of the last five years; and
- (b) the amount they propose to spend hereafter under the scheme of compulsory primary education ? "

The Hon'ble Mr. Richey replied :—

" (a) Figures can be found by reference to the Annual Reports on Education in the Punjab. They are as follows :—

			Rs:
1913-14 ...	...	...	95,295
1914-15 ...	...	...	1,15,901
1915-16 ...	...	...	1,30,955
1916-17 ...	...	...	1,45,653
1917-18 ...	...	...	1,50,665

" (b) No estimate has yet been made. The cost of maintaining a normal school is about Rs, 15,000. The 5-year programme referred to in the reply to Government contemplates the addition of 5 normal schools. "

[Rai Bahadur Ram Saran Das; Mr. Richey; Mr. French.]

The Hon'ble Rai Bahadur Ram Saran Das asked :—

"37. Will the Government kindly give for the information of this Council the number of students who commencing their education in Vernacular Schools change over to the Anglo-Vernacular course during each of the last five years. The figures may kindly be given both for those who change at the end of the primary course as well as for those who change at the end of the middle course?"

The Hon'ble Mr. Richey replied :—

"The information has been called for and will be furnished when received."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

"38. Will the Government kindly state for the information of this Council whether in view of the introduction of compulsory primary education in this Province, is it under contemplation to increase the inspecting staff of the Education Department. If so, the extent of the increase together with the additional expenditure it would require may be indicated?"

The Hon'ble Mr. Richey replied :—

"It is not anticipated that the introduction of the Compulsory Education Bill will for some years necessitate any large strengthening of the inspecting staff; and in any case till the Bill becomes law and it is known to what extent local bodies will with the sanction of Government take advantage of its provisions it would be premature to attempt any forecast."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

"39. Will the Government kindly state whether their five-years' programmes for the extension of primary education in the Province have by this time been completed; if so, will they kindly lay it on the table?"

The Hon'ble Mr. Richey replied :—

"Copies of Government Circular* No. 261-S., dated 24th August 1918, containing in Appendix F the five-years programmes for the extension of primary education throughout the Province are laid down upon the table. It must be understood that these programmes have yet to be approved by District Boards. From the answers already received it seems probable that they will meet with general acceptance."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

"40. Will the Government kindly state for the information of this Council the number of illiterates living in rural areas and those living in all urban areas?"

The Hon'ble Mr. French replied :—

"There are no available statistics showing the number of illiterates living in (a) rural areas and (b) urban areas."

"If the Hon'ble Member will refer to Subsidiary Table II in Volume XIV of the Census Report, 1911, he will find the number of persons *per mille* who were literate in (i) each district, (ii) cities, and (iii) selected towns. From these figures he will be able to deduce similar ratios of illiterate persons."

"I would, however, refer him to paragraph 417 of the same Volume for reasons why the proportions shown in the above Table did not correctly represent the numbers of literates really resident in rural and urban areas, and the figures are moreover by now several years out of date."

*Not printed.

[Rai Bahadur Ram Saran Das ; Mr. Richey ; Mr. Lumsden.]

The Hon'ble Rai Bahadur Ram Sardar Das asked :—

" 41. Will the Government kindly state whether it is under contemplation to work out a scheme of comprehensive Industrial Education in this Province to be in charge of a separate Director of Industrial Education. Will the Government indicate the nature of any scheme they may have framed in this connection ?"

The Hon'ble Mr. Richey replied :—

" Government has recently accepted certain recommendations of the Standing Committee on Technical and Industrial Education for the revision of the present system of Industrial Schools in the Province. Any more ambitious schemes cannot be advantageously considered until the report and recommendation of the Industrial Commission have been considered."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

" 42. Will the Government kindly state for the information of this Council whether the Punjab Government considers it desirable to increase elective element in the Punjab University Senate ?"

The Hon'ble Mr. Richey replied :—

" The question has recently formed the subject of correspondence between the Local Government and the Government of India. The decision of the Imperial Government has not been received."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

" 43. Will the Government kindly consider whether it would not be desirable for the Financial Department of the Government, before framing its budget proposals, to invite proposals for allotment in the next budget from the members of the Finance Committee of this Council ?"

The Hon'ble Mr. Lumsden replied :—

" Government is not prepared to accept the suggestion by the Hon'ble Member with regard to the distribution of the unallotted expenditure which seems to be based on a misconception of the budget procedure. The provisional distribution of the unallotted expenditure is based as a rule on proposals from the various departments, and Members of the Finance Committee are at liberty to recommend alterations in the Local Government's provisional distribution of expenditure. In making this distribution Government refrains from proposing any allocations of funds to schemes which have not been carefully examined or which are not likely to be introduced in the immediate future. The inclusion at this stage of other projects which have not been examined by the departments concerned would obviously be open to very serious objections, and so far as is known the Hon'ble Member's proposal is entirely without precedent. I might add that there is nothing to prevent Hon'ble Member's suggesting schemes to the various Heads of Departments who can then submit the schemes to Government in the ordinary way after necessary examination."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

" 44. (a) Will the Government kindly state for the information of this Council whether it is under consideration to hand over all Provincial roads and buildings to District Boards for management, construction and up-keep ?

" (b) If so, will the Government kindly state what resources are being placed at the disposal of these Boards for this purpose ?

" (c) Is the Government allotting a fixed lump sum for the management, construction and up-keep of roads and buildings or is it under consideration to hand over a fixed share of some growing revenue head like Excise ?"

Scheme for
Industrial
Education.

Elective
element in
Punjab Uni-
versity Senate.

Proposals
from Finance
Committee
regarding al-
lotment in the
Budget.

Transfer of
Provincial
roads and
buildings to
District
Boards.

[*Mr. Lumsden ; Rai Bahadur Ram Saran Das ; Mr. Maynard ;
Mr. Townsend ; Colonel MacWatt.*]

The Hon'ble Mr. Lumsden replied :—

" A small Committee has been appointed to consider the recommendations of the Public Works Department Reorganization Committee as far as they were applicable to this Province. Government has not yet received a report, but it is understood that a copy may be expected shortly."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

" 45. Will the Government kindly give for the information of this Council the amount spent under head 26-A—Agriculture, during the first half of the current year on (a) total expenditure on this head, (b) experimental farms, and (c) Co-operative Credit Societies ?" Expenditure under head 'Agriculture.'

The Hon'ble Mr. Maynard replied :—

" I regret I am unable to give the figures."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

" 46. Will the Government state for the information of this Council whether there is likely to be a saving under Head 26-A—Agriculture during the current year. If so, to what extent ?" Savings of expenditure under head Agriculture.

The Hon'ble Mr. Maynard replied :—

" Here again I am unable to answer in detail, but I can say that there is likely to be a very small balance at most which is not likely to be expended."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

" 47. Will the Government kindly state for the information of this Council whether the budget allotment of Rs. 44,000 made for the encouragement of industries have so far to any extent been spent ; if so, the names of the industries so encouraged, together with the manner in which such sums have been spent, may be given ?" Expenditure for encouragement of industries.

The Hon'ble Mr. Townsend replied :—

" A statement* showing the information in question is laid on the table."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

" 48. Will the Government kindly lay on the table of this Council a statement showing during the current year—" Grant for sanitary purposes.

- (a) Grant so far made for sanitary purposes to local bodies ;
- (b) applications made for sanitary grants by the local bodies, whether pending, rejected or accepted by the Sanitary Board ;
- (c) applications made for sanitary grants by the local bodies whether forwarded or not by the Commissioner to the Sanitary Board."

The Hon'ble Mr. O. F. Lumsden replied :—

" The statement† asked for is laid on the table except in relation to applications not forwarded by Commissioners in regard to which no information is available."

The Hon'ble Rai Bahadur Ram Saran Das asked :—

" 49. In view of the severe epidemic of influenza prevailing in the Province at the present time will the Government kindly state what steps, if any, they have taken or contemplate to take in the matter in urban as well as in rural areas." Outbreak of influenza in the Punjab.

The Hon'ble Colonel MacWatt replied :—

" The Hon'ble Member is referred to the reply given to question No. 11 asked by the Hon'ble Pandit Jowahir Lal, Bhargava."

* See Appendix G.

† See Appendix H, (1) and (2).

[*Rai Bahadur Lala Ram Saran Das ; Mr. Lumsden ; Rao Bahadur Chaudhri Lal Chand.*]

The Hon'ble Rai Bahadur Lala Ram Saran Das asked :—

“ 50. Will the Government kindly state for the information of this Council—

- (a) the amount of wheat produced in this Province during the last spring harvest ;
- (b) the amount exported so far from this Province during the current financial year ;
- (c) whether it is proposed to allow the export of wheat during the remaining period of the financial year. If so, the quantity proposed to be allowed for export may be indicated ? ”

The Hon'ble Mr. Lumsden replied :—

“(a) The revised estimate of the wheat produced in this Province (including Native States) last spring is 3,415,000 tons.

“(b) From April 1st to June 31st, for which quarter alone complete returns have so far been received from the railways concerned, the net export (that is, after deducting imports) of wheat (in which is included wheat flour converted into wheat at the rate that 70 tons flour represents 100 tons of wheat) by rail from this Province have been 188,980 tons. Some of this amount, probably about one-fourth, belonged to the crop of the previous year. Information received from the Wheat Commissioner shows that from July 1st to September 25th approximately 100,000 tons further were purchased by him in this Province for export.

“To these amounts may be added some 20,000 tons which it is estimated has left the Province by boat down the river Indus for Sind since the new crop came in and an amount of 18,200 tons for the export of which to other provinces certificates have either been issued or endorsed up to October 26. The total export of wheat in the current financial year, so far as the available figures show, is approximately 328,000 tons, or less than one-tenth of the estimated production of last harvest.

“(c) At present no wheat leaves this Province by rail, save for military requirements, except on certificates endorsed by the Director of Civil Supplies, which are only issued at the request of the Directors of Civil Supply of importing provinces, where on account of the failure of the monsoon a real and urgent demand exists for wheat. The reply given to the somewhat similar question on the subject by the Hon'ble Lala Jowahir Lal this morning contains full information as to the manner in which Government proposes to control the export of wheat from this Province for the next few months.

“It is impossible to say definitely what amount of wheat will be exported from this Province during the coming months : but the Hon'ble Member may rest assured that this Government will do all in its power to see that not more is exported than can be really spared. The Punjab has of course first claim on its own wheat.”

The Hon'ble Rao Bahadur Chaudhri Lal Chand asked :—

“ 51. Has the attention of the Government been drawn to a decision of the Chief Court reported as 100, Punjab Record, 1917, in which the Chief Court, even while holding that the judgment of the District Judge was wrong, could not interfere on account of the provision contained in section 41 (3) of Act III of 1914 ? If so, what steps does the Government propose to take in order to avoid such failure of justice ? ”

[Mr. French; Rao Bahadur Chaudhri Lal Chand.]

The Hon'ble Mr. French replied :—

"Government has seen the judgment (Punjab Record No. 100 of 1917) referred to.

"The form of the question is not quite correct in stating that the Chief Court held that the District Judge's judgment was wrong. The head note from which the Hon'ble Member apparently quotes is not quite accurate.

"The Chief Court held 'that the District Judge's view of the rule of custom that governed the case was, in its opinion, *prima facie* erroneous' and proceeded 'whether the District Judge's view be right or wrong' he had decided the case on a matter in respect of which no second appeal lay without a certificate."

The Hon'ble Rao Bahadur Chaudhri Lal Chand asked :—

"52. Will the Government be pleased to state for the information of this Council, (i) the number of applications for grant of certificate made, under section 41 (3) of Act III, 1914, to the District Judges in the Punjab, during the years 1914, 1915, 1916, 1917 and 1918, respectively ?

Grant of certificates for second appeals.

"(ii) How many of these applications have been granted in each respective year ?"

The Hon'ble Mr. French replied :—

"The Government cannot state how many applications for grant of certificates have been made from 1914—1918 nor how many have been granted. The figures are not readily available, but the Chief Court is being asked to furnish them if possible."

The Hon'ble Rao Bahadur Chaudhri Lal Chand asked :—

"53. Is the Government aware that there is a feeling among the classes following custom that the certificate procedure is cumbrous and puts unnecessary obstacles in the way of people reaching the highest tribunal for justice, while there is no such bar for those who follow Hindu and Muhammadan Law ?"

Certificate for second appeals in cases of customs.

The Hon'ble Mr. French replied :—

"Government is not aware that there is any such general feeling as is referred to, and there is no parallel, in its opinion, between the question of fact whether a particular custom exists or not, and the question of law as to what is the proper interpretation to be put on a point of Muhammadan or Hindu Law."

The Hon'ble Rao Bahadur Chaudhri Lal Chand asked :—

"54. Will the Government be pleased to appoint a sub-committee to enquire and report on the working of this provision of law and also to suggest a change in the same ?"

Ditto

The Hon'ble Mr. French replied :—

"Government as at present advised does not consider there is any necessity for the appointment of a sub-committee as suggested by the Hon'ble Member or for any change in the law."

[His Honour the President; Mr. Richey; Mr. Lumsden.]

TRIBUTE TO THE LATE HON'BLE MR. GRACEY.

His Honour the President:—"Before the Council proceeds with the legislation on this day's Agenda, I am sure it will desire me to place on record its regret at the loss of our esteemed Member and Secretary, the late Hon'ble Mr. Gracey. Mr. Gracey was for ten years the Secretary to this Council and for many years a Member thereof. His unexpected and untimely death came as a shock to us all. His courtesy and his ability were always at the disposal of the Members of this Council, and we all deplore his loss. I am sure the Members of this Council, would ask me to voice their views and place on record our regret at his untimely death and our appreciation of his services to this Council and our sympathy with his widow and family."

THE PUNJAB COMPULSORY EDUCATION BILL.

The Hon'ble Mr. Richey moved that the Hon'ble Mr. MAYNARD be added to the Select Committee, and that the Hon'ble Mr. CRAIK and the Hon'ble Mr. ELLIS be also added in place of the Hon'ble Mr. THOMPSON and the Hon'ble the late Mr. GRACEY respectively.

The motion was put and agreed to.

THE PUNJAB ADULTERATION OF FOOD BILL.

The Hon'ble Mr. Lumsden moved that the Hon'ble Colonel MACWATT and the Hon'ble Mr. ELLIS be added to the Select Committee in place of the Hon'ble Colonel HENDLEY and the Hon'ble the late Mr. GRACEY respectively.

The motion was put and agreed to.

THE PUNJAB MUNICIPAL ACT AMENDMENT BILL.

The Hon'ble Mr. Lumsden:—"YOUR HONOUR, I beg to move for leave to introduce a Bill to amend the Punjab Municipal Act, 1911. On previous occasions I have frequently commented on the modest, unassuming and non-contentious measures which fall to my lot as Financial Secretary to introduce into this Council, but I think that Members will agree that the present measure really touches bedrock in these respects. The whole Bill involves the deletion of a single word of four letters from a section of the present Municipal Act, and, moreover, the deletion affects not the Province as a whole, but only certain named hill stations. Section 198 is applicable only to the Municipalities of Simla, Dharamsala, Dalhousie and Murree, and the object of the present Bill is merely to enable these Committees, if they desire to do so, to exercise some sort of control over the *jhampanis* and *dandi walas* who ply their trade at these hill stations during the season. At present there is no method of controlling such men, provided that they are employed by private individuals, and it has been found that some system of control is required, at least in Simla and Dharamsala. The *jhampanis* (I use the word as a generic term to include *dandi walas* and other servants of that kind) occupy a peculiar position. In Simla, for instance, they are mainly residents of the numerous Native States and the ties which bind them to their employers are of the slightest because they seldom are employed by the same individual for two seasons in succession. They have no stake or interest in Simla itself; they are constantly disappearing without the least notice and leaving their employers in the lurch, probably taking with them such uniform as has been granted to them. Complaints have been rife for a number of years, and the matter came to a head in 1915 when this Government received a representation, signed by practically every lady in Simla, complaining of the gross insolence and insubordination of these servants and the constant trouble and annoyance that they experience owing to their playful habits. We made careful inquiries into this representation, and it was admitted by the local officers and the Committee that the complaints were thoroughly well founded. Unfortunately, however, the remedy was not as obvious as the complaint, and the Committee, while assuring us that they had every desire to do what

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they could in their power, expressed their inability to affect any radical relief. The situation was aggravated by the fact that, owing to recruiting operations in the hills, a certain number of the regular *jhampanis* had enlisted, and the extra concentration of officers in Simla in consequence of the war added to the difficulties as regards supply. It was decided at that time that it was undesirable to take any action. There were wild rumours prevalent in those days regarding recruitment, and it was felt that probably any attempt to enforce registration would lead to a complete cutting off of the supply of *jhampanis* and possibly prejudice recruitment besides. Palliatives were attempted. This Government sanctioned the introduction of the experiment of certain horse-drawn vehicles, and the Municipality undertook to do their best to supply would-be employers with the necessary men provided application was made to them. They were to charge a small fee for this and keep up a list of eligible *jhampanis*. These expedients, however, have not proved successful and complaints still continue. We utilised the opportunity afforded by the delay in order to make inquiries from other provinces with a view to discovering whether the difficulty existed there, and also what measures had been taken to afford relief. We have discovered that, ever since 1883, rules for the registration of *jhampanis* and such like have been in force in Bengal at Darjeeling and Kurseong, while in the United Provinces there are similar rules both at Naini Tal and Mussoorie. The need for action being admitted we had to consider what form this action should take. There were three alternatives open to us. This first was an amendment of the Police Act. We discarded that remedy for very good reasons. That Act is an Imperial measure and obviously unsuited for the relief of a small local trouble, while it was considered desirable that the control of these *jhampanis* should be placed under the Committee and not under the Police. Both in Bengal and the United Provinces the rules are framed by the Committees. Then it was suggested that a special Act might be introduced. This seemed unnecessary labour in view of the fact that we have already in our Municipal Act a suitable clause which could be applied with this very small emendation which I am proposing. There is a special Act in Bengal, but as I have already mentioned it dates from 1883 and no doubt at that time the system of municipal government was not so up-to-date as it is now, and probably there was no machinery under the Municipal Act of that day which would have enabled the necessary action to be taken. Consequently it was decided that the third alternative, which has taken the form of the Bill which I am now begging leave to introduce, was the easiest. As I have already pointed out, the public *jhampanis* are already registered. Their registration has given rise to no trouble whatever and their control, although it is not perhaps altogether adequate, has certainly been of considerable benefit. These *jhampanis* plying for hire are exactly the same class, as far as I have been able to ascertain, as those who are employed by private individuals. A *jhampani* plying for hire one year may be privately employed the next and *vice versa*. Consequently there is no possible reason why this differentiation in the matter of registration should continue. And we have an additional support in the fact that similar measures have been applied in other provinces. For 35 years apparently the system has worked smoothly in Bengal and for many years has been working also without difficulty in the United Provinces in Naini Tal and Mussoorie. I feel sure that the action we are now taking is the easiest remedy, and although the relief may not be complete, I think that it will certainly be efficacious to a certain extent. It will at least give a certain hold upon those *jhampanis* who, as I say, have a playful habit of disappearing, as on any conduct of that kind their names can be erased from the register, and they will not be able to obtain employment until they have condoned their offence. With these few remarks I beg leave to introduce the Bill."

The motion was put and agreed to.

[*Mr. Lumsden; Khwaja Yusuf Shah; Rai Bahadur Ram Saran Das; Rai Bahadur Bakhshi Sohan Lal.*]

The Hon'ble Mr. Lumsden :—" I introduce the Bill and beg to move that it be taken into consideration. The Bill is of such extreme simplicity that it would be hardly becoming of me to suggest that this Hon'ble Council is not competent to dispose of it at a single sitting, but if non-official Members have any qualms in the matter I am quite prepared to consider a motion that the matter should be postponed, though I hope they will be able to push the matter through at once."

The Hon'ble Khwaja Yusuf Shah :—" Your Honour, I think there is no necessity for postponing the measure. It is a simple measure and the sooner it is carried out the better."

The Hon'ble Rai Bahadur Ram Saran Das :—" Your Honour, in the Statement of Objects and Reasons of this Bill the Honourable Member in charge proposes to take power for the hill municipalities to render license necessary for persons impelling or carrying private carriages. Admittedly up to this time no such power exists. The intended legislation is presumably undertaken to limit the discretion of owners of private carriages in the employment of persons engaged for impelling or carrying carriages. If I am not wrong, I understand, the Bill has not been circulated for non-official opinion; I hope this Bill is not an emergency measure, and I venture to submit it is not necessary to rush this measure through in one single meeting without previous collection of non-official opinion on it. I would therefore request the Hon'ble Member in charge to first circulate the Bill for opinion, and then ask this Council to take the Bill into consideration. I must therefore oppose this present motion of the Hon'ble Member in charge."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—" Your Honour, the amendment proposed will affect the servants of private individuals in hill stations and will have the effect of imposing a tax, however small it may be, on them, and I think this should not be sanctioned without first inviting the opinion of the Press and public in order to hear what the private residents of hill stations have got to say on it, and therefore I agree with the Hon'ble Rai Bahadur Ram Saran Das that before the Bill is taken into consideration it ought to be circulated for opinion."

The Hon'ble Mr. Lumsden :—" I think possibly the Hon'ble Members who have moved this amendment have not made themselves acquainted with the provisions of section 198 of the Act, which I propose to read: In the municipalities of Simla, Dharmsala, Dalhousie and Murree the Committee may further make bye-laws :—

* * * * *

(c) for rendering licenses necessary within the municipality.

(ii) for animals or carriages let out on hire for a day or part thereof, and

(iii) for persons impelling or carrying such charges."

These rules are already in force for all those who work as job porters and who impel carriages which can be hired by the public and the only point is whether they should be extended to cover the similar class of persons who impel carriages of private employers. The Hon'ble Member has objected that the Bill has not been circulated for non-official opinion, but I really fail to see what non-official opinion requires to be consulted. We have already consulted the members of the Committees of hill stations who are alone concerned in this matter, and non-official Members have had a copy of this Bill in their hands for, I suppose, three or four weeks. The Committees consulted have approved the proposal, although in the case of Murree and Dalhousie the Committees stated that they do not at present propose to use their powers. In the case of Dharmsala and Simla, the Committees have not only welcomed the Bill, but stated that they would frame rules as soon as possible."

[*Rai Bahadur Ram Saran Das; His Honour the President; Mr. Lumsden.*]

The Hon'ble Rai Bahadur Ram Saran Das :—"I am sorry I have not been convinced by the Hon'ble Member in charge as to the necessity of rushing through this amendment in one sitting. In case non-official opinion is called for, I do not think any further inconvenience is likely to be caused to the public by its coming forward at the next meeting. There is no need to rush it through like this."

His Honour the President :—"The Hon'ble Member said he was content to refer the matter to another meeting of the Council if there was a general desire that he should do so. It is a very small matter, and if there is any desire on the part of Members that it should be adjourned to the next meeting and a Select Committee appointed, the Hon'ble Member would have no objection. Does the Hon'ble Member propose to appoint a Select Committee? He has pointed out that there is no further local opinion to be consulted, but if Hon'ble Members of this Council desire a Select Committee to examine into the Bill, there is no objection."

The Hon'ble Rai Bahadur Ram Saran Das :—"With Your Honour's permission I will ask for a Select Committee. I beg to propose that this amendment should be referred to a Select Committee consisting of the Hon'ble DIWAN DAULAT RAI, the Hon'ble Rai Bahadur BAKHSI SOHAN LAL, the Hon'ble Sayad RAJJAN SHAH, the Hon'ble Raizada BHAGAT RAM and the Hon'ble Member in charge."

The Hon'ble Mr. Lumsden :—"I think the Committee proposed is unnecessarily large for such a very small Bill."

The Hon'ble Rai Bahadur Ram Saran Das :—"I will suggest three names :—The Hon'ble DIWAN DAULAT RAI, the Hon'ble Raizada BHAGAT RAM and myself, with the addition of the Hon'ble Mr. LUMSDEN and the Secretary of the Council."

The Hon'ble Mr. Lumsden :—"I am quite prepared to accept the Select Committee proposed. I only asked that it should be kept small."

His Honour the President :—"There is a good deal of other work for members of Select Committees, and I think it is desirable to reduce the numbers. The motion is that the Bill be referred to a Select Committee consisting of the Hon'ble DIWAN DAULAT RAI, the Hon'ble Raizada BHAGAT RAM, the Hon'ble Rai Bahadur RAM SARAN DAS, the Hon'ble Mr. LUMSDEN and the Hon'ble Mr. ELLIS."

The motion was put.

The Hon'ble KHAWAJA YUSAF SHAH asked for a division.

The motion was put to the vote and negatived by 10 votes to 9.

The Hon'ble Mr. Lumsden :—"The question now is whether the consideration is to be continued to-day or whether it is to be deferred to the next meeting of the Council. I understand the Hon'ble Mr. RAM SARAN DAS has got an amendment to that effect which has not been disposed of."

The Hon'ble Rai Bahadur Ram Saran Das :—"I should very much like this matter to be considered at the next meeting of the Council."

His Honour the President :—"Has the Hon'ble Member any objection?"

The Hon'ble Mr. Lumsden :—"I have already said that I have no objection to the consideration being deferred."

The motion that a further discussion of this measure be postponed to the next meeting of the Council was put and agreed to.

PUNJAB DISTRICT BOARDS AMENDMENT BILL.

The Hon'ble Mr. Lumsden :—"I beg to move for leave to introduce a Bill further to amend the Punjab District Boards Act, 1883. This is another of those little innocuous measures which fall to my lot as Financial Secretary to introduce into this Council, and although the Bill is somewhat longer than

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the preceding Bill it is really of an even simpler nature. The Hon'ble Members are aware that we have recently, in view of the growing importance of election, been overhauling the whole election rules of the municipalities and District Boards. We have framed general rules which are applicable to the whole Province in both cases and left the districts and the municipalities to frame local rules in consonance with these general rules to suit their local conditions. In the case of a municipality no difficulties arose because our Act passed in 1911 is more up-to-date and more elastic and lends itself to our improved procedure. In the case of District Boards, however, the Act which dates from 1883 hardly contemplated a vast progress in the matter of elections, and we were confronted with the difficulty that no provision exists in the Act for either continuing a member in office, or terminating, except for misconduct and the like, the term of a member. One of the main rules under the revised scheme contemplates simultaneous election, and the present system of District Board election is of a most haphazard nature, two or three members being elected one week and two or three the next week and so on, and we had some difficulty as to how to arrange this introduction of simultaneous election in the absence of any provisions such as are contained in the Municipal Act. We had hoped that this might be done by refusing to fill up vacancies and by asking members whose terms of office exceeded the election period voluntarily to offer to resign. But there has been considerable delay one way or other in the framing of the necessary local rules by the District Boards, and as the position now stands it will be impossible to introduce the new system in time for the next Council election. But it is highly desirable that at the time of the Council election the District Boards should be brought up to their full strength, that is to say, there should be nothing in the way of casual vacancies. I can quite imagine that some of our Hon'ble Members who represent District Boards would look rather glum if at the time of the election they found that some of their chief supporters did not carry a vote because they were no longer members of District Boards and their posts had been left unfilled in order to enable the simultaneous election system to be introduced at as early a date as possible. The present Bill therefore is merely intended to remedy this little difficulty. We have transferred verbatim from the Municipal Act the two clauses of that Act which enable the necessary elasticity to be made. Section 2 of the Bill provides that after section 12, sub-section (3), the following sub-section shall be added, namely:—“(4) Notwithstanding anything contained in sub-section (2) or in any rules by the Local Government thereunder, an outgoing member shall, unless the Local Government otherwise directs, continue in office until the election or appointment of his successor is notified,” and section 3 provides that after section 14 the following section should be inserted, namely:—“13-A. Notwithstanding anything in the foregoing sections of this chapter or in the rules made thereunder the Local Government may, at any time, for any reason which it may deem to affect the public interests or at the request of the majority of electors, by notification direct that the seat of any specified member, whether elected or appointed, shall be vacated on a given date, and in such case such seat shall be vacated accordingly.”

“This is exactly the wording of the Municipal Act in both cases and the one section is the corollary of the other. So far as I know there has been no trouble in regard to the working of these sections, and there is no reason to apprehend that any difficulties will arise in connection with their working in District Boards.

“With these few remarks I beg to move for leave to introduce this Bill.”

The motion was put and agreed to.

The Hon'ble Mr. Lumsden:—“Your Honour, I introduce the Bill and beg to move that it be taken into consideration. As in the case of the Bill

[*Mr. Lumsden; Rai Bahadur Ram Saran Das.*]

amending the Municipal Act, I am quite prepared to defer consideration until the next meeting if there is any feeling that this should be done. But as I have already pointed out there is no new principle involved and the clauses are taken verbatim from the Municipal Act."

The motion was put and agreed to.

The Hon'ble Mr. Lumsden :—"I beg to move that the Bill be passed. I do not think it is necessary to add anything to what I have already said."

The motion was put and agreed to.

SIMLA HOUSE ACCOMMODATION ACT AMENDMENT BILL.

The Hon'ble Mr. Lumsden :—"Your Honour, I beg to move for leave to introduce a Bill to amend the Simla House Accommodation Act, I of 1918, as amended by the Simla House Accommodation Act, III of 1918. It may be thought that this is hardly the time to begin tinkering with an emergent war measure seeing that we may confidently hope that the arms that have been laid down will not again be taken up, but I must ask the Hon'ble Members to remember that although we may hope that peace is in sight, peace has not yet actually been declared, and so long as peace is not signed, so long will it be necessary to maintain our army at full strength. Moreover, even after peace is declared, the work of demobilisation will take some time and we may assume that probably for the next two seasons the concentration of officers at Simla will suffer no large diminution. The Act, as you know, is an emergent war measure and continues in force during the period of the war and for the calendar year commencing 1st January after the conclusion of peace. Consequently I do not think that any labour we take in this matter will be thrown away. Hon'ble Members are aware that this Government is only very indirectly interested in the matter, that the Act was originally passed by request and for the benefit mainly of the Army Headquarters, and that condition of things still subsists. As regards this Bill I may at once allay any apprehensions on the part of any Hon'ble Members that this amendment is an attempt to extend or alter the scope of the Act. The Bill has as its basis a unanimously signed representation made by the Simla House Accommodation Committee which, as you are aware, includes two members elected by the house owners of Simla. One of them is a European and the other an Indian. This unanimous representation on the part of House Accommodation Committee has been considered by a committee, partly official and partly representative of the House Accommodation Committee, and the present amending Bill represents the conclusions arrived at by this committee at which, as I say, the House Accommodation Committee was represented and also the Government of India, Army Headquarters, and this Government. Our original Act was, as you will remember, passed under circumstances of considerable urgency. It was absolutely essential that the measure should be run through at a single sitting and the Government and the Army Headquarters were, I know, very grateful that this Council accepted the measure. But the measure could hardly be expected to be perfect. We had no precedents to go on and as I say we had really very little time to consider all the possible eventualities. The result has been that the House Accommodation Committee in endeavouring to carry out the objects of the measure has found itself faced with various difficulties in the Act which to a certain extent neutralised its benefits and their representation was to the effect that an amending Bill should be brought forward in order to cure its defects. That is the whole object of the present measure, and I feel sure that Hon'ble Members will agree that its introduction is highly desirable."

The Hon'ble Rai Bahadur Ram Saran Das :—"Your Honour, when last year this Act was introduced into this Council, I supported it as a war measure. The provisions of this Act were passed for the period of the war and for the calendar year commencing on the 1st day of January after the conclusion of

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the peace. Since by the grace of that All-Merciful war has been completely won, and the conclusion of peace is happily only a question of a few weeks, the Act will automatically cease to be in operation on the 31st December 1919."

His Honour the President:—"I think the Hon'ble Member's remarks on that point might be made at a later stage. At present the Hon'ble Member is proposing the introduction of the Bill. Any criticisms should come later when the Bill has been introduced."

The Hon'ble Rai Bahadur Ram Saran Das:—"I oppose the introduction of the Bill, because it is not a war measure."

Continuing said:—"This Act was an emergent measure and its continuance on the Statute Book is no longer pressing. Under these circumstances, Your Honour, when especially there seems no increase in the number of Government officers needing accommodation as compared to last year, I fail to understand why the Act is being made more drastic. I fear the Government has gone too far in proposing that even the owners cannot eject tenants in order to personally occupy their own houses. Your Honour, the Member in charge, has in the present Bill gone much beyond the scope of the original measure, and he now proposes to seriously interfere with the proprietary rights of individuals. The Member in charge has, in my opinion, not made out a good case in support of the present legislation, and I am sure this Council will not approve of any injury being done to any class of people. I would therefore oppose the introduction of this Bill into the Council."

The motion to introduce the Bill was put and agreed to.

The Hon'ble Mr. Lumsden:—"I introduce the Bill and beg to move that it be taken into consideration at the next meeting. I might, however, very briefly explain some of the clauses as apparently considerable misapprehension exists in the mind of at least one Hon'ble Member as regards the scope of the measure. I really fail altogether to understand the remarks of the Hon'ble Mr. RAM SARAN DAS complaining that this is, not a war measure. I am afraid he has not taken the trouble to read the amending Bill, otherwise he would have seen that the clause which refers to the duration of the Bill has been left entirely unchanged. The Act reads "It shall come into force at once and remain in force for the period of the war and the calendar year commencing the 1st January after the conclusion of peace." That is unchanged and there is no proposal to make any change at the present time. If any change is to be made, it will be made subsequently and Hon'ble Members may rest assured that the measure remains a war measure as much as ever it was. As regards the changes, they do not alter the scope of the Bill but merely endeavour to remedy certain defects in the working. First, I may call attention to section 2 of the amending Bill. The word 'house' means 'a house or part of a house let or sub-let'. We added the word 'sub-let', because the House Accommodation Committee found some difficulty in defining the word 'let'. We were advised that the word did include 'sub-let', but we thought it better to make this point clear and we have added the words 'or sub-let'. In the same clause we have made a slight addition and added the words 'premises occupied as a Government or Municipal office or as a flat.' Here again the House Accommodation Committee felt some difficulty, because certain houses which might be considered to be residential houses, had been occupied by Government for offices, and it was thought better to clear up this point. Then the definition of 'landlord' we have taken from the Bombay Act—a very excellent definition from a similar but more extensive and stringent Act passed by the Bombay Government. The 'landlord' is the person who is for the time being entitled to receive rent in respect of any premises whether on his own account or on behalf, or for the benefit of, any other person or as trustee, guardian or receiver for any other person. It includes a tenant who sub-lets any premises and any person from time to time deriving title under a 'landlord.' This is a considerable

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improvement on our definition of 'owner' which led to some difficulties and we have substituted the word 'landlord' for 'owner' except in section 3 in which the word 'owner' is used in a sense which cannot be misunderstood. Then in section 3 at the end of clause 4 (1) we have added the words 'any such excess shall be irrecoverable, notwithstanding any agreement to the contrary'. It was considered better to put this in, although, as a matter of fact, the provisions of the Act more or less rendered it impossible for the landlord to recover the excess.

"Then in clause 3 (2) we have added the words 'or sub-let' in that year at a higher rental than that paid by the original tenant. A difficulty arose that in one or two cases, in consequence of the fact that in certain cases a tenant who had been there for a number of years and occupied the house at a very moderate rent had sublet his house at a very much enhanced rent to another person. This led to considerable difficulty in deciding what the rent of the house was in 1917. It was hardly fair on the landlord that his rent should be considered the rent which his original tenant paid him, and on the other hand the rent in 1917 paid by the sub-tenant was probably very considerably swollen by profiteering. Consequently this clause has been added to enable the House Accommodation Committee to go into questions of that kind and make equitable decisions.

"Then in section 3 we have put the burden of proof on the tenant. We have inserted a proviso to the effect 'that until the contrary be proved the amount assessed as rent by the Municipal Committee of Simla for the year 1917 shall be deemed to be the rent for that year.' That puts the onus of proof on the person disputing the rent, and although that has been the case in practice it is just as well to make it definite.

"Then clause 4 of this Bill provides for settling any difficulties that may arise from the fact that a house sometimes lets in parts and sometimes as a whole. As a rule when a house is let in parts the aggregate total rent exceeds that which is possible when the house is let as a whole. There is no general rule on the subject, but that is generally found to be the case and we have allowed the House Accommodation Committee to come to a decision as to what the proper rent should be.

"Under clause 5 we have a clause to the effect that 'when' any alteration in the terms of the tenancy is caused by the removal or alteration of furniture or by the letting of any portion of the house in a different manner from that in which it was let in 1917 and the House Accommodation Committee is of opinion that the new terms of the tenancy are less favourable to the tenant than the previous terms, the rent shall be deemed for the purpose of this Act to be in excess of the rent payable in 1917, whether the amount payable as rent is increased or not, and the said committee shall decide what shall be held to be the amount of the excess.' That is adopted from the Bombay Act and its inclusion is due to the fact that there have been various cases which have come to light in the past season in which the landlord owing to his failure to secure extra rent from his tenant has deliberately removed a considerable part of the furniture and other appurtenances of the house thus really enhancing the rent. As Hon'ble Members are aware, houses in Simla are generally let furnished. This is with the view of stopping any illegal action of that kind.

"Then under clause 6 of the Bill we have the following section '5-A.—Notwithstanding anything contained in any enactment to the contrary no suit shall lie for the ejectment of a Government or municipal servant on duty in Simla from the house occupied by him or for the recovery of possession of any house occupied as a Government or municipal office without the previous sanction in writing of the House Accommodation Committee.' This is a very important clause and this again has been taken more or less *in toto* from the Bombay Act. Its necessity is very obvious as there has been a great

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deal of what might almost be called immoral dealing on the part of landlords and tenants in Simla over the question of rent. One *modus operandi* is for the landlord to approach the tenant and ask him to pay him say an extra Rs. 300 or Rs. 400 *sub rosa*. If the tenant refuses to agree to this on the ground that any enhancement of rent is prohibited by law, the landlord promptly goes round and tries to find another tenant looking for a house who is prepared to disregard the provisions of the law. Having found him, he proceeds to bring a suit for eviction in the civil court to get rid of the tenant and as the law stands at present there is nothing to prevent the court from passing a decree. The result is that the original tenant is evicted through no fault of his own but solely because he is endeavouring to fulfil the provisions of the law, and the man whom we may almost term the dishonest tenant obtains the advantage of the house. This clause will put a stop to anything of this kind, and if Hon'ble Members will look at the Bill they will see that we are protecting the landlord under clause 13 by adding after the word 'tenant,' where it first occurs, the words 'to the institution of a suit for whose ejection the House Accommodation Committee has refused its sanction under section 5-A or a tenant.' That is to say, if a landlord wishes to turn out a tenant and fails to get a certificate from the House Accommodation Committee and the tenant, relying upon his immunity, fails to pay his rent this clause will come into operation and enable action to be taken under section 11 of the Act. Then under clause 9, we have made certain alterations in section 8 of the Act mainly to provide for the fact that certain difficulties arise in the case of landlords who have failed to obtain enhancements of rents and from motives of spite have intimated that they intend to occupy the house themselves next year, having no intention of that kind at all but merely in order that the House Accommodation Committee may not obtain the accommodation. Then we are also stopping an influx of extra professional men who are not required for the purposes of the war. For instance, suppose an extra dentist wishes to set up practice. He will find difficulty in getting a house under clauses (c) and (d), because the use must have begun in 1917. That is necessary as a temporary measure to prevent any influx of persons who might claim to go to Simla on some pretext of business. Under clause 10 you will see we are adding a small clause to the effect that 'no lodger or paying guest shall for the purposes of this Act be deemed to occupy or reside in a house.' This is another case in which we are endeavouring to meet possible abuses of the Act. Instances have arisen both from the point of view of the landlord and the point of view of the tenant. In the case of landlord we do not consider that the lodger or paying guest should be necessarily protected from eviction if the landlord wishes to turn him out. On the other hand, we do not wish that a whole house, as has been the case, should be occupied by non-entitled tenants on the ground that one room is occupied by a paying guest or lodger who is an official and entitled to accommodation. This clause will prevent anything of that kind occurring, and the House Accommodation Committee have already found that such cases have occurred. Then in section 11, the date has been put back from the 15th day of February to the 15th day of April. You will remember that at the time we passed the original measure the matter was one of great urgency and we put the date as far back as possible in order that any persons who had contemplated visiting Simla should not find at the last moment that their plans had been upset by the passing of the Act. That consideration does not apply now as the general public are well aware that if they try to go to Simla they do so at their own risk. Another point which is of some importance in connection with the change of date is the fact that as a rule the houses which are occupied by Indians are let from Holi to Holi and not as in the case of houses let to Europeans by the calendar year. The change to the 15th April will more or less prevent any differentiation in the matter of the times. Section 13 I have

[His Honour the President; Sardar Gajjan Singh; Pandit Jawahir Lal; Mr. Lumsden.]

already dealt with. It is necessary corollary to the new section 5-A protecting the landlord from any tenant who fails to carry out his part of the contract and in section 14 the word 'shall' has been substituted for the word 'may.' That is a small matter. The District Magistrate was anxious that this should be done, and as the decision of the House Accommodation Committee is final there was no reason why it should not be done. Section 16 is a validating clause which merely aims at interpreting the bill and seems essential. With these few remarks I beg to move that the Bill be taken into consideration at the next meeting.

His Honour the President :—"Does the Hon'ble Member propose to refer the Bill to a Select Committee."

The Hon'ble Sardar Gajjan Singh :—"With Your Honour's permission I would say that it would be better that we should have a Select Committee. The Hon'ble Mr. Lumsden wants the measure to be considered at the next meeting of the Council. This Bill has come before this Council, I think, for the third time. That was to a certain extent due to the fact that on the previous two occasions no Select Committee was appointed to consider the Bill. I do not know that a Select Committee would have anticipated all these difficulties, but there is no doubt that a Select Committee would have been in a position to give very careful consideration to each section of the Bill and perhaps very few amendments would have been required now, and as this does not mean any delay I would certainly propose the appointment of a Select Committee. It will be ready with its report at the next meeting. As for the personnel of the Select Committee I must leave that to the Hon'ble Member."

The Hon'ble Pandit Jawahir Lal :—"I second this proposal."

The Hon'ble Mr. Lumsden :—"Your Honour.—In view of the remarks by the Hon'ble Sardar GAJJAN SINGH I beg to propose that this Bill be referred to a Select Committee consisting of the Hon'ble Mr. FRENCH, the Hon'ble Mr. ELLIS, the Hon'ble Sardar GAJJAN SINGH, the Hon'ble Rai Bahadur RAM SARAN DAS, the Hon'ble Mian FAZL-I-HUSSAIN and myself."

The motion was put and agreed to.

CONSTITUTIONAL REFORMS.

His Honour the President :—"Before the discussion on the Resolution regarding Constitutional Reforms I desire to explain the attitude of Government in the matter. Following the precedent of other Provinces I think it is desirable that the discussion should be one among the non-official members. Government and the official members will take no part in it. I shall ask the Vice-President Hon'ble Mr. Maynard, to preside, and a few other official members will attend in order to give to the non-official members any information or explanation that may be helpful in their deliberation. In many respects the Resolutions overlap and it will probably conduce to a more speedy despatch of business if those of wider scope are taken first. I would also venture to suggest that an informal round table discussion will be more helpful and effective than a full dress debate. Government has of course no desire to limit the discussion of subjects of such moment to the future administration of the Province. But the time at our disposal is unfortunately short. As Hon'ble Members are aware this meeting of Council was originally fixed for the 6th instant but had to be adjourned to meet the wishes of many Hon'ble Members owing to the influenza epidemic which has now happily subsided. The two Reform Committees will sit at Lahore from 4th to 7th December. I should have been glad if the date were later, but their programme is a very extensive one and we have to meet their convenience. It is very desirable that before submitting its final views Government should be in possession of the opinions of the non-official members, and it would be a great convenience to Government if the discussions could be completed by to-morrow

[*His Honour the President.*]

evening. Those discussions will, I know, be conducted in a sober, sensible and practical spirit, on the common basis of putting forward what is best calculated to help forward the growth and progress of self-governing institutions, and at the same time promote the security and prosperity of the Province and particularly of the great masses to whom the political watchwords familiar to us in this chamber are still only a name. To quote from paragraph 136 of the report 'The rural classes (226 million out of 244) have the greatest stake in the country because they contribute most to its revenues—and I might add supply almost the entire forces of the Indian Army—but they are poorly equipped for politics and do not at present wish to take part in them.'

"All of us in this Council know what we owe to the rural population of the Punjab, and I look to Hon'ble Members to give full considerations to their interests in formulating proposals.

"As indicating the spirit which should animate your deliberations I cannot do better than quote the impressive words of advice addressed by His Excellency the Viceroy to the Imperial Legislative Council on 4th September.—

"We have carried the advance right up to the line beyond which our principles forbid us to go.' I will content myself with this extract, but the whole of the remainder of the paragraph is pertinent.

"What I wish to emphasise is this. 'Substantial steps' were promised. In my own heart I am confident that 'substantial steps' are provided in our proposals. We have not kept back something like hucksters in the market, something which we would be prepared to give as a result of pressure. Everything has been placed on the table for all men to see. In the words of the Report 'We have carried the advance right up to the line beyond which our principles forbid us to go.'

"But within that line we are prepared to consider criticisms and suggestions. Far be it from me to claim any infallibility for our proposals. I would however say this—that it is for those who criticise to offer their alternative to our plan.

"Criticism then freely. But remember that if your criticism is to be useful it must be constructive and not merely destructive. You must give us something which we can set up in the place of that which you destroy."

"I would add only a few words of counsel. Some of the Resolutions express a natural and laudable desire that in the development of the Reform Scheme the Punjab should not be behind any other Province or even Presidency.

"As you know I have always been a stout champion of the honour and interests of the Province, and I would be the first to resent any policy that failed to recognise the proud position of the Punjab in India and in the Empire. But in this matter analogies with other Provinces are apt to be misleading. In the words of the Report 'India is still a country marching in uneven stages through the centuries from the fifth to the twentieth. Even within the limits to which the new constitution can be applied there are differences of conditions of which account must be taken in applying it.' We in the Punjab have our own traditions which we are proud to maintain, our own problems which we are determined to solve in a practical and tolerant spirit. I would therefore ask Hon'ble Member to keep in view solely the best interests of the Province. Thus the fact that other Provinces with 40 or 50 millions of people may think the New Council should have 70, 80 or even 100 members—100 is, I believe, the number proposed for the Legislative Assembly of all India would not in itself justify a similar number in a Province of 20 millions. Again if non-official members in other Provinces politically more advanced desire that four-fifths of the Council should be elected, you should consider whether

[His Honour the President ; Sardar Bahadur Gajjan Singh.]

that arrangement would be suitable in a Province where there are not only three great communities to be represented by election, but also many interests, e.g., the great military element, the domiciled community, the Indian Christians, the backward and depressed classes, whose representation for some time to come can probably be best secured by nomination. You have probably noticed that in the Legislative Assembly of India, it is proposed, and the proposal has, I believe, commended itself to the non-official members of the Imperial Council, that the elected members should be two-thirds, and the necessity of securing adequate representation for minorities and redressing the inequalities which elections may produce is doubtless in a large measure responsible for that proposal. Finally, if elsewhere opinions are divided as to communal representation of some or all of the great communities, you have to consider whether in the Punjab adequate representation can be secured to those communities by a general electorate.

"The aim of Government is to secure your calm and considered views. I have no desire to influence your decisions, but I wish to bring out the importance of matters that will necessarily arise in your discussion. And now, gentlemen, I leave the consideration of the resolutions in your hands.

PUBLIC REJOICINGS ON THE 27TH NOVEMBER 1918.

His Honour the President.—"Before leaving the chair there is one matter which I want to take the opportunity of mentioning to the Hon'ble Members. You are aware that the 27th has been fixed as a day of public rejoicing and the celebration of our victories. It is desired that the rejoicing should not be confined to any one place but should be universal throughout the Province, and as far as possible the military element should be associated with it. Here in Lahore we are making preparations on a great scale, and it would be a great pleasure if I could ask the Hon'ble Members who live outside Lahore to take part in these celebrations. At the same time it is our object that the celebration should be spread all over the Province, as many other parts of the Province have contributed to the success of our arms even more than Lahore has. And I feel sure that if I were to be selfish enough to ask the Hon'ble Members to come here to attend our celebrations, I would deprive the other localities of the benefit of their presence and the valuable support that they would give in the local celebration. I am sure therefore that the Hon'ble Members, who do not belong to Lahore, will do all they can to make the celebrations a complete success in their own localities."

The Hon'ble Sardar Bahadur Gajjan Singh :—"In this connection I may say a word. The arrangement of giving a holiday is probably complete and a Special Gazette has been issued. But it would probably have been better if instead of 27th the date had been 29th. We would then have the last Saturday and Sunday as well. One day is not sufficient to celebrate such a grand victory. And yesterday I saw an announcement in the Press that the Bengal Government has allowed two holidays: 23th and 29th. If Bengal are to have two days for their share in the victory we should have the double of this!"

His Honour the President.—"If any locality can show good cause for an extra day, I am sure Government will be quite willing to meet their wishes, but there should be one general holiday."

Here His Honour the President left the chair and the Hon'ble Mr. Maynard, Vice-President took the chair.

The Council then adjourned till 2-45 P.M.

The Council re-assembled after lunch and the following official and non-official members were present.

[*Maynard.*]

The Hon'ble Mr. H. J. MAYNARD, Vice-President, *in the chair.*

The Hon'ble Mr. L. FRENCH.

The Hon'ble Mr. H. D. CRAIK.

The Hon'ble Mr. O. F. LUMSDEN.

The Hon'ble Mr. J. A. RICHEY.

The Hon'ble Mr. T. P. ELLIS.

The Hon'ble Captain GOPAL SINGH.

The Hon'ble Rao Bahadur Chaudhri LAL CHAND.

The Hon'ble Sardar Bahadur Sardar GAJJAN SINGH.

The Hon'ble Khan Bahadur Malik MUHAMMAD AMIN KHAN.

The Hon'ble Sayad MAKHIDUM RAJAN SHAH.

The Hon'ble Khan Bahadur Mian FAZL-I-HUSSAIN.

The Hon'ble Nawab Sir BAHRAM KHAN.

The Hon'ble Khan Bahadur Khawaja YUSAF SHAH.

The Hon'ble Khan Sahib Mirza IKRAM ULLAH KHAN.

The Hon'ble Diwan Bahadur Diwan DAULAT RAI.

The Hon'ble Rai Bahadur BAKHSI SOHAN LAL.

The Hon'ble Pandit JOWAHAR LAL BHARGAVA.

The Hon'ble Rai Bahadur RAM SARAN DAS.

The Hon'ble Khan Bahadur Syad MAHDI SHAH.

RESOLUTIONS ON CONSTITUTIONAL REFORMS.

The Hon'ble Mr. Maynard :—“ In the first place I think we should make up our minds in what order we are going to take the Resolutions. I understand the Hon'ble Mr. FAZL-I-HUSSAIN is not well enough to make a speech, so his Resolutions must be considered to be counted out. At the same time I think most of them are covered by Resolutions which have been put forward by other Hon'ble Members.

“ As regards the order, there may be differences of opinion. I am only putting forward one suggestion; other people may think there are better methods. This particular suggestion was made by the Lieutenant-Governor himself. He thought the wisest plan would be for us to begin with the Resolutions which are general in their scope. For instance, begin with the most general of all the Resolutions, that which stands in the name of the Hon'ble Rai Bahadur RAM SARAN DAS according a sort of general approval to the Scheme as a whole. Then one comes to a number of Resolutions which may, I think, be called general in their character. For instance, there is No. 18 which suggests that the Punjab should be placed on an equal footing with other Provinces in all respects. And closely connected with this, that the Governor should have equal emoluments and equal status. That appears to be the second question that might conveniently be taken up. Then there is another Resolution of a very general kind which proposes that all the subjects shown in the List appended to the Montagu-Chelmsford Report as suitable for transfer should be transferred. That, I think, on this principle, might be put third on the list. Then we might take something like the proposal

[*Mr. Maynard ; Rai Bahadur Ram Saran Das.*]

No. 19, that the Governor should ordinarily be selected from among the public men of the United Kingdom. That I should call of a general character. And then I would suggest No. 12, that the status and salary of Ministers should be the same as those of Members of the Executive Councils. Then there is No. 13, that the proposed Members without portfolios should be cut out of the scheme. That also seems to be a matter which would come definitely in this class. Then No. 14, which proposes the abolition of the special procedure of the Grand Committee. That would be a general Resolution. Then one would come on to the constitution and powers of the Council, the proportion of Members to be elected, the election of the President and Vice-President, the Rules of Business to be framed by the Council, the Under Secretaries to be from among the elected members, and so forth. Then one would come naturally to the Resolutions affecting the particular claims of particular communities. I put that forward as a suggestion. If any one has a better suggestion I think the Council will be ready to consider it.

"If this suggestion is agreed to, I will ask the Hon'ble Rai Bahadur RAM SARAN DAS to move the Resolution which stands in his name, No. 1."

The Hon'ble Rai Bahadur Ram Saran Das :— "With your permission, Sir, I beg to move the following Resolution that 'This Council recommends to His Honour the Lieutenant-Governor to bring to the notice of the Governor-General in Council and through him of the Secretary of State for India, that this Council is of opinion that with certain modifications to satisfy Indian aspirations, the Scheme of Constitutional Reforms embodied in the report of Lord Chelmsford and Mr. Montagu constitute a substantial step in the direction of responsible Government in India.'"

"SIR.—The 20th day of August 1917, the day on which a responsible Minister of the British Crown announced the grant of responsible Government as the ideal of British rule in India will ever remain a red letter day in the history of the ancient land. The Scheme of Constitutional Reforms proposed by The Right Hon'ble Mr. Montague and His Excellency Lord Chelmsford opened out a new epoch in the constitutional history of India. It must be admitted on all hands that in working out a scheme of Responsible Government for India, the Secretary of State and the Viceroy have taken great pains and exhibited extraordinary skill. At the same time all agree that the proposed scheme will require good many modifications in details before it can prove acceptable. Even the authors of the Scheme admit this. It is admitted by all parties that the Scheme of Reforms is a genuine effort in the direction of Responsible Government, and that it is a step in advance. We are also unanimous in agreeing that the progress in Responsible Government in India is to be in stages. So far there is, I hope, a unanimity of opinion throughout the country. But it is here that the consensus of opinion ends. Whether or not the present proposals constitute a substantial initial step in advance is the point in dispute. It is here that the parties differ, and I fear very widely. The greatest opposition centres round the proposals concerning the constitution and functions of the Government of India. This part of the proposals, in the opinion of many, constitute no substantial step in advance. But, I fear, this Council is not called upon to express any opinion, one way or the other, on the constitution and functions of the Central Government. The Indian Legislative Council is the body best fitted to record any opinion regarding proposals concerning the Government of India. In fact, a Committee of non-official members of the Indian Legislative Council was lately appointed to examine the Scheme, and I understand they have already submitted their report in the matter. So, Your Honour, in my remarks I propose to exclude from consideration by this Council, the Scheme concerning the constitution and functions of the Government of India. I will confine myself to the proposals concerning provinces, and will ask this Council to consider whether or not the proposals

[Rai Bahadur Ram Saran Das.]

made in the Scheme for the grant of Responsible Government in stages constitute a substantial initial step in advance for provinces. Let me take the important features of the Scheme *serialum*. First and foremost are the financial proposals. The present system of divided heads of revenue involves control and interference by the Indian Government in the details of provincial administration. In order to ensure provincial autonomy in financial matters it is proposed to separate entirely the resources of the Central and Provincial Governments. Complete separation of revenues between Provincial and Central Governments has long been advocated by Indian Constitutional Reformers, and I am glad to find that the scheme concedes this. This abolition of divided heads is therefore to be welcomed, and this reform in my opinion constitutes a substantial step in advance. But in carrying out this reform I must say the proposals are very unfair to many provinces. The contributions required to be paid by Punjab, for instance, are very excessive. So in this respect the proposals require a modification. I have already given a notice to move a resolution on this point, and I beg leave to postpone my detailed criticism on this question till that moment. The separation of revenues involves also a complete separation of the Central and Provincial budgets. We all know how greatly the non-official members of this Council are handicapped in moving their financial resolutions. Very often it is found that the budget rules of Government of India do not allow any change in the figures of Provincial budgets as sanctioned and approved by the Government of India. All these restrictions will now disappear. The proposals also enlarge the borrowing and taxing powers of the Provincial Governments. This is a great step in the direction of Provincial autonomy and is sure to affect considerably the future economic development of the provinces.

“Coming towards the constitution of Executive Governments the Scheme proposes the abolition of single-headed administration and its replacement in every province by a Governor in Council. The establishment of Executive Councils in every province has been urged by the Indian Reformers from a very long time. We in this Council also passed a resolution for the establishment of the Executive Council for the Punjab. This demand has now been conceded, and we welcome this concession to public opinion. The Indians urged that every Executive Council should contain Europeans and Indians in equal proportions. The Scheme Executive Councils consisting of two members, one European and one Indian. Here there is again a concession to public opinion. But this is only with respect to reserved subjects, in which popular control is not contemplated. In transferred subjects, however, the Governor is to be assisted by Ministers chosen entirely from among the members of the Legislative Council. The Ministers are proposed to be put in charge of transferred subjects. It is here that the germs of responsible Government are laid, and I must hold, this proposal constitutes a substantial initial step in advance. There is, however, one restriction which seems to be in this connection quite uncalled for. The authors of the Scheme say that on transferred subjects the decision of Ministers would be final subject only to the Governors' advice and control. Responsibility of Ministers to the legislature and control of Ministers by Governors are two inconsistent things. With the control of the Governor there can be no responsibility of the Ministers possible. In this respect therefore the proposals again require a modification. Then the provision of additional members without port-folios is not understood and is quite unnecessary. This provision should, therefore, be omitted. Your Honour, if the modifications above mentioned are carried out the constitution and working of the Executive Government constitute in my opinion a substantial step in advance.

“Coming to the composition of the Legislative Councils, the Scheme proposes, a substantial elected majority, elected by direct election, on a broad

[*Rai Bahadur Ram Saran Das.*]

franchise. This is exactly what Indian Reformers have been demanding. But Your Honour, the word substantial is rather vague. The expression 'substantial elected majority' does not convey any definite idea. If the words 'at least four-fifths' were substituted for the words 'a substantial' it would, I dare say, satisfy all Indian parties. Modification of the proposals on these lines, I hope, will not constitute any departure from the cardinal principles laid down in the Scheme, and I think it can easily be done. The system of indirect elections, through Municipal and District Boards, and the restricted nature of the franchise are proposed to be abolished. This is a great step, and a step in the direction of real representative Government. The number of officials in Council is also proposed to be kept within strict limits. This is another step in the right direction. Again the Scheme proposes to familiarise members of the Legislative Councils with the process of administration. A standing committee elected by the Legislative Council from among their own members is proposed to be attached to every department or group of departments. The members of the standing committees are to possess the privilege of seeing discussing, and recording for the consideration of Government, their opinion on all questions of policy, all new schemes involving expenditure, and all annual reports on the working of the departments. This provision is a very important one, and is a sure method for training the people in responsible Government. I heartily welcome this proposal.

"As regards securing the affirmative power of legislation regarding Reserved Subjects, the Scheme proposes the appointment of Grand Committees. On this point there is a great divergence of views. This special agency is designed to carry through Government proposals regarding subjects which are not proposed to be transferred to popular control. Some advocate the total abolition of Grand Committees, while others advocate elected majority in these committees. At any rate some modification is required in the proposal. Again as regards budgets, it is proposed that after meeting provincial contribution to Government of India, the supply of reserved subjects should have priority. The balance only will be available for the Transferred subjects. This arrangement, I must submit, is very unfair for the administration of departments under popular control. Could not a standard of expenditure for the Reserved departments be fixed, as it has been done in the case of Government of India? The departments in charge of Ministers will require the greatest amount of development, and in my opinion, practically the entire future growth in revenue will be required by these departments. The finance of Transferred departments should be put on as sure a basis as possible. So here also some modification in the proposals is required. The proposals to appoint periodic commissions to look into and examine the political progress of the country and the appointment of a Standing Committee of the House of Commons for Indian Affairs are also steps in the right direction, and are a concession to public opinion.

"SIR, I have now enumerated some of the most important modifications that are required, before the Scheme of Constitutional Reforms can be acceptable. These modifications do not touch the vital principles underlying the Scheme, and I am of opinion that the Scheme with these modifications incorporated into it, will constitute a substantial step in the direction of responsible Government in India. Your Honour, my resolution is so worded as to make it absolutely non-controversial. I do not propose the rejection of the Scheme, nor its acceptance without any modification. In this view, I am sure, I am supported by men of all parties. I hold that the Scheme with certain modifications is a substantial step in the direction of responsible Government. In this view also, I daresay, I am at one with people of all shades of views. Moderates and extremists, officials and non-officials, all agree that certain modifications are required in the Scheme, before it can

[*Rai Bahadur Ram Saran Das ; Diwan Bahadur Diwan Daulat Rai.*]

prove acceptable. What the nature of these modifications is to be will, I am sure, be indicated by the several resolutions that will presently be passed in this Council. We in this Council represent various and diverse interests, and if a non-official majority of this assembly agree on certain modifications suggested in the resolutions they pass, that would give the authorities a sufficient idea of the modifications demanded by Punjab. With such modifications incorporated, the Scheme of Constitutional Reforms, should, for the present, satisfy our reasonable aspirations, and the Scheme thus modified should then constitute in the opinion of this Council a substantial step in the direction of responsible Government. With these words I commend the resolution for the favourable consideration of the Council."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—" Sir, I rise to accord my hearty support to the resolution proposed by my Hon'ble friend. The Reforms, with reasonable modifications, such as are suggested in some of the resolutions which are before the Council to-day, constitute a substantial step in the direction of responsible government of India. The scheme, we know, does not give us all that was possible to give us within the four corners of the memorable pronouncement of August 20th, but there can be little doubt that it was conceived in a spirit of wise and liberal statesmanship and marks an important stage in our progress towards the final goal of self-government within the Empire, and for this we are deeply grateful.

" There has been a tendency in certain quarters to condemn the scheme wholesale as one unworthy of British traditions and as such unacceptable to the country. The scheme has been put forward by the illustrious authors as a transitional measure, and this is a fact which must be borne in mind in any criticism of it. It is intended merely to tide over a period of political and administrative training, and to future generations will appear as a bridge between two forms of Government, namely, Benevolent Despotism and Democracy.

" As a transitional measure it had to steer its course between reactionary conservatism on the one hand and abrupt revolutionary change on the other, and I venture to believe that the authors have achieved a substantial measure of success in this difficult matter on which they are to be congratulated. In many instances the scheme is, what I might call, automatically progressive, and the proposal, that within the near future the salaries of ministers will be voted by the Provincial Councils, introduces into this country the principle on which the whole of the British Constitution revolves.

" The proposal to expand the Councils, to make them more elective, to introduce a system of direct election, to invest them with greater and ever-increasing power will take away from them the tendency to degenerate into mere debating societies. The increasing association of Indians both in the Imperial and Provincial administrations is a most important advance on the present conditions. The system of transferred and reserved subjects in the provincial administrations is also a step in the right direction and the scheme contains germs of evolutionary progress. The panel of selection for the ministers, with the important duties that they are expected to discharge, will bring the administration nearer home to the people. The standing committees would wield influence, if not power, would popularize the administration and familiarize members with the business of Government. They will thus provide an efficient training ground for administrative talent and capacity and at the same time often fortify opinions of Government.

" Your Honour, I fully realise that something approaching autocratic power has to be placed in the hands of the executive to make government possible at all, and I am in sympathy with the authors when they say, that

[*Diwan Bahadur Diwan Daulat Bai ; Pandit Jow har Lal.*]

where the executive is satisfied that a piece of legislation is necessary in the interests of the State, it must have all reasonable chances and facilities for carrying a measure through, but I am inclined to think that the object would have been attained if a large number of Indians had been included in the proposed grand committees.

"I am, moreover, doubtful about the advisability of creating a new class of officials in the shape of ministers without portfolios for purposes of consultation and advice. The authors have themselves pointed out, that it is always open to a Governor to seek the advice of any of his officials, and have thus demolished the only reason they give for this proposal.

"It is difficult to conceive that the quality of a man's advice will vary with a change of official designation and status. Nor do I see why the authors have thought it proper to make no recommendations regarding the pay of Indian Ministers when the functions they are expected to discharge are identical in nature with those of the members of the Executive Government.

"An important part of the report dealing with the Government of India causes some misgiving in so far as there has been no attempt to liberalize the central authority and I trust that some adequate method will be found to achieve this result before the proposals take final shape.

"With some modifications, therefore, I consider that the scheme constitutes a real and substantial step towards the final goal and believe that it will herald the day when the Government of the people will be not only for the people but also by the people. I beg, therefore, to second the resolution."

The Hon'ble Pandit Jowahar Lal, Bhargava :—"Sir, the perusal of the Montague-Chelmsford Scheme of Indian Constitutional Reforms cannot leave unimpressed with the fact that the illustrious authors of the Scheme have tackled the question in a spirit of broadminded statesmanship and evolved forth reforms which constitute an initial and genuine step towards responsible Government in India.

"No words can express the sense of gratitude of Indians to these two great men who brought to bear to their task that sacred sense of responsibility of duty in arbitrating upon the destinies of a country like India which has marked their labours in drawing conclusions out of premises of an exceptionally complex and diverse nature under the most difficult and trying conditions.

"The introduction of Executive Councils in every province meets with the long cherished demand of the people. This Council also, in its meeting held on 13th March 1917, passed a resolution recommending the establishment of an Executive Council in the Punjab. Such introduction is all the more valuable for the over-riding reason in the words of the report that the retention of the administration of a province in the hands of a single man precludes the possibility of giving it responsible character.

"The provision of elected majorities in the Provincial Legislature, its enlargement, the transference of certain subjects wholly to popular control, the broadening of franchise, the system of direct representation all tend to make the reforms a real step in the direction of responsible Government.

"The contemplated complete independence of the local bodies and the proposed fiscal administrative and legislative independence of the Provincial Governments in non-imperial matters are also landmarks of real advance. Instead of an unreal power over all subjects the Reforms provide for real power on some subjects to start with.

It cannot, however, be concealed that in certain matters the Reforms do come up to the standard of popular requirements and fail to satisfy the Indian aspirations. Its recommendations regarding the Government of India

[*Pandit Jowahar Lal ; Sardar Bahadur Gajjan Singh.*]

are of an exceptionally conservatory character and require radical modifications.

"The institution of a Council of State by itself and its composition are by no means desirable. They are hardly conducive to the growth of responsible Government.

"The recommendations regarding the Government of India and in certain matters regarding the Provincial Government have been conceived in a spirit of overcautiousness and India on the victorious termination of the war to which it so materially contributed can rightfully claim considerable relaxation in reference to them.

"Certain required modifications as regards the Provincial Government form the subject matter of some of the resolutions appearing on the Agenda of to-day and will come up for discussion later on. I therefore refrain from dilating upon them at this stage.

"The Hon'ble Mover has further suggested modifications and improvements which if embodied in the Reforms would make the Scheme all the more acceptable.

"With these few words I support the resolution now before the Council."

The Hon'ble Sardar Bahadur Gajjan Singh :—"SIR, I have already submitted my views on the Reform Scheme. As I stated then, I repeat in this Council, that in my opinion the distinguished authors of the scheme have made an honest attempt to give substantial share to the Indians in the administration of the country. The Scheme is no doubt a distinct advance on the present state of things and in fact a different stage towards the progressive realisation of the responsible Government.

"SIR.—After the proclamation of 1858 by the Queen Victoria of blessed memory there has never been a more gracious message than that of 20th August 1917 nor a more statesmanlike document than the one which is now under consideration. We are all grateful for the political advancement which the Reform Scheme promises to us.

"As far as the Provinces are concerned, we have a distinct advance upon the existing state of things and a definite stage towards the progressive realization of the responsible Government.

"The scheme recommends that every Province, major or minor, will have its own Governor in Council with two members, one of whom must be an Indian. This surely means the association of Indian element in the work of Executive Council in every Province.

"Coming to the Provincial Legislative Council, provision has been made for a substantial element of elective members in the Council. It means that the representative of the people will have a decisive voice in the framing of those laws which effect them in every-day life, specially in reference to the transferred subjects, and a larger major of influence than at present in the making of those laws which affect the reserved subjects, and then two or more Ministers have to be selected by the Government for the administration of the transferred subjects. This means that in the major Provinces out of five members three will be Indians, and in minor Provinces out of four there shall be at least two Indian members.

"Budget is to be prepared by the Executive Government as a whole on which there is to be an adequate element of Indians. The budget thus prepared will be laid before the Legislative Council, and the Legislative

[*Sardar Bahadur Gajjan Singh; Khan Sahib Mirza Muhammad Ikram-Ullah Khan; Rai Bahadur Chaudhri Lal Chand.*]

Council will be at liberty to pass a resolution upon the budget and the resolution so passed will be binding upon the Executive Government, so far as the transferred as well as the reserved subjects are concerned; save and except where a certificate is given by the Governor that the vote is not to be accepted in the interest of public safety or tranquillity or in the discharge of his responsibilities in regard to the transferred subjects. This is a power which will be used only on emergent occasions. From this it is clear that enhanced powers have been given over the budget to the representative of the people.

"But the most important change in the constitution of the Government of the Provinces is the division of the transferred and reserved subjects. Subjects which are called transferred will be made over to the popular ministers to be appointed by the Governor out of the elected members of the Council.

"A committee which has at present commenced its sittings would determine what subjects would be transferred. For the concession above-mentioned and several others the country should be grateful to the distinguished authors of the Reform Scheme.

"The Sikh community is grateful to the distinguished authors of the Reform Scheme provided for the communal representation to us.

"It is only natural that a scheme dealing with so complicated problems stands in needs of modification here and there, the modifications suggested are that a system of transferred subjects and ministers should also be introduced in the Government of India, the whole country would welcome the change in the central Government. In my written opinion I have said that a Governor should be imported direct from England, but on giving the matter my best consideration I am inclined to think that an officer with Indian experience would be more useful as Governor of the Provincial Council. For these reasons I support the Resolution which has been so ably moved by my friend the Hon'ble Rai Bahadur Ram Saran Dass."

The Hon'ble Khan Sahib Mirza Muhammad Ikram-Ullah Khan.—"Sir, I beg to support the resolution of the Hon'ble Rai Bahadur Ram Saran Das. I have always understood that one of the best claims of those seeking enlarged responsibility in the domain of self-government is that of being willing and able to defend one's home and country in the hour of peril. I do not think that there will be any to deny that the Punjab, under His Honour's stimulating influence and encouragement, has shown itself a worthy partner in the defence of the Empire. I feel sure that this is generally recognised. Another quality of the Punjabi, which perhaps it would not be irrelevant to refer to, is his level-headedness and his refusal to be led away by bad advice. This has been well exemplified during the period of the war and has won His Honour's commendation. With these qualities admitted, I think that there should be no anxiety in the Punjab at least in pressing forward towards the fulfilment of the recommendation of the Reforms Report."

The Hon'ble Rai Bahadur Chaudhri Lal Chand:—"Sir, I rise to support the motion. The resolution is one over which I think there will be no opposition, and I do not wish to take much time of the Hon'ble Members in repeating what has already been said by other Hon'ble Members who have spoken before. But I have a strong feeling that as a representative of the rural and military classes of the Province I should let the Hon'ble Members know the real feelings of these classes regarding the Reform Scheme.

"The announcement of August 20th will certainly be a landmark in the history of the political development of India, and Indians will always regard

[*Rai Bahadur Chaudhri Lal Chand ; Captain Gopal Singh ; Rai Bahadur Bakhshi Sohan Lal ; Khan Bahadur Muhammad Amin Khan ; Pandit Jawahar Lal.*]

it as their Magna Charta. The Reform Scheme which we are discussing to-day is a result of that announcement and I sincerely feel that it goes a good deal to fulfil the Royal promise. The rural classes feel very much indebted to the learned authors for the generous and sympathetic way in which they have approached the questions relating to rural classes, but they do not agree where the learned authors say that the rural classes do not aspire for any representation. In the course of this debate I shall have the honour of moving a resolution in connection with rural representation and I reserve my remarks on the subject for that occasion. For the present, suffice it to say, that we all welcome the scheme as a step forward in the direction of responsible Government, and look upon the two committees that have been constituted to safeguard the interests of the rural and military classes.

“With your permission, Sir, I wish to point out one very serious omission in the Scheme. The war which has just come to a victorious close in which we all rejoice has been won at the cost of the lives of thousands of our brave sons. Our soldiers have fought bravely on every front and have won for India an undying glory and fame. The reputation which India has won has cost her very dearly. Is it I ask not a matter of regret that the classes which have contributed so much towards that end, should receive no special concessions? The terms of the settlement could have been proposed to be longer than heretofore, the King's Commissions could have been recommended to be granted more freely and their share in public services of the country, which at present is so poor, could have been enhanced. There are some other matters in which the Scheme requires modification. But on the whole I accept the Scheme in a spirit of thankfulness and gratitude to the learned authors and support the resolution.”

The Hon'ble Captain Gopal Singh :—“All details have been explained by the Hon'ble Members who have spoken before, so I need not add anything and I support the resolution.”

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—“I also support the resolution.”

The Hon'ble Khan Bahadur Muhammad Amin Khan :—“I also support the resolution.”

The resolution was put and carried unanimously.

The Hon'ble Pandit Jawahar Lal, Bhargava :—“Sir, the resolution which I am going to move is as follows :—

“This Council recommends to His Honour the Lieutenant-Governor to take steps to secure that the Punjab is, in the matter of constitutional reforms, placed on an equal footing with the three Presidencies and the United Provinces.

“This resolution embodies a very important recommendation so far as the Punjab is concerned. Since the annexation of the Punjab, efforts have been made to bring its judicial administration and legislative machinery into line with that of the other Provinces and almost all the important distinctions have ceased to exist. In the very near future we expect to have our Chief Court elevated to the status of a High Court.

“In this state of circumstances it will be in the fitness of things if Punjab is placed on an equal footing with the three Provinces and United Provinces in the matter of constitutional reforms. In support of this resolution, Sir, what matters most is that the Punjab yields to no other Province in matters which qualify a Province for the grant of constitutional reforms.

[Pandit Jawahar Lal, Bhargava.]

"The geographically important position of the Punjab, its climatic conditions, its richness in natural resources, its raw produce, its beautiful mountains and fertilising rivers, its unparalleled irrigation system (one of the most highly appreciated boons of the Government), its having at its capital the centre of the biggest and largest State-managed railway organization in Asia are things of which any country in the world may be jealous.

"These material advantages merely would be of little avail in advancing a claim like the present if they did not enter into a happy combination with other circumstances which enhance their value and worth.

"These physical conditions could hardly have failed to mould the character of the sons of the Punjab into those habits of manliness and activity for which the Punjabis are so well known.

"The remarkable growth of public spirit, the aliveness to the duty of citizenship, the active co-operation of the people with the Government in all matters affecting their welfare, the development of that sense of discipline and restraint which marks the subordination of the passion to reason, the eminently practical turn of mind and the adaptability to circumstances which are found in Punjabis in a higher degree than in others are qualities which in a stage of transition are the most needed and regarded as the best equipment for all readjustments.

"It hardly needs mention that in social and religious progress Punjab is ahead of other Provinces and in education also the Punjab is progressing by leaps and bounds.

"It is idle for me to expatiate on these matters which are so well known to you, Sir, and which have been referred to by His Honour on several occasions.

"Under these circumstances, I submit with all the emphasis at my command that the Punjab whose martial spirit is the admiration of the whole world, whose colonising enterprise and industry if properly directed are capable of transforming the most desolate and arid tracts of country into fertile and smiling gardens is not inferior in point of progress whether political, social or educational should, if not preferably, be treated on a par with the three Presidencies and the United Provinces in all important matters connected with the constitutional reforms, e.g., the representation of the Punjab in the Legislative Assembly of the Government of India, the number of the members of the Provincial Legislature, the member of Ministers in the Provincial Executive Government, the nature of the subjects transferred to popular control, the selection of the head of the Province, etc.

"This war which has in the words of one of the greatest living men of the world done the work of centuries within the compass of years and which has tested in the crucible of fire the sterling worth of the virtues of people and nations has given its verdict in favour of the Punjab. The gallant sons of the Punjab have carved out a name at once for coolness of nerves and indifference to danger in the hour of fight.

"The Punjabis ever alive to their duty galvanised themselves into activity for all measures relating to the war. Sir, you are fully aware how under His Honour's wise guidance and direction, the people of the Punjab made a response worthy of their loyalty and high traditions in recruitment for combatant and non-combatant forces of His Majesty's Army, how the Punjab acquitted itself in the War Loan, the Imperial War Relief Fund, the Aeroplane Fleet Fund and other cognate activities connected with war.

[*Pandit Jawahar Lal, Bhargava ; Diwan Bahadur Diwan Daulat Rai.*]

" If now after the victorious termination of the war in the vigorous prosecution of which the Punjab has taken such a notable part, the treatment meted out to the Punjab is not the same as that to be meted out to other Provinces in the matter of constitutional reforms, the Punjab whom His Honour and officers under him love so much will justly feel the humiliation so galling to brave minds.

" Happily the war which England and her Allies were fighting for the liberties of the world has ended in the final triumph of the Allies ' to the achievement of which end in the words of His Excellency the Viceroy ' the Punjab under His Honour's leadership has so substantially contributed and the time has arrived when the Punjab can hopefully look to His Honour to leave no stone unturned for securing political equality of status for the Punjab with the three Presidencies and the United Provinces.

" The status, position and honour of the Punjab are not so dear to anybody as they are to His Honour and his Government. Nobody is so jealous of its name, so vigilant for its welfare and so solicitous for its advancement as His Honour.

" I would, therefore, request the Lieutenant-Governor to take steps to ensure that the Punjab is placed on the same footing as the three Presidencies and United Provinces in the matter of constitutional reforms.

" With these words I move the resolution in the hope of its acceptance by the Government."

The Hon'ble Diwan Bahadur Diwan Daulat Rai:—" Sir, If the recent war now happily concluded with victory has taught us one lesson, it is that this province of all others has played more than its part and will look forward confidently to the day of reckoning when the guilty will be punished and the meritorious awarded. It is hardly necessary now to dwell on the number of men that we have supplied for military service, nor need I remind you, Sir, of the undying fame that our soldiers have won on the battlefields of three continents. It is a truism, almost a platitude, now to say that it has fully justified the proud title of the Sword-hand of India. But its contribution to the war has been greater than that. A poor province dependent mainly on agriculture, it holds the third place of honour both in the first and Second War Loan lists— I venture to submit, a truly remarkable achievement.

" I believe, Sir, that I am voicing a unanimously felt sentiment when I say that those that are first in service ought also to be the first to be rewarded. If the Punjab has shown that it has strained its utmost resources in the service of the Empire, it can fairly claim to be placed on an equally favourable footing with the Presidencies, or at least some good and convincing reason should be advanced for the differentiation. If capacity to defend oneself is to determine the question of ability to govern, if sanity and commonsense are assets of any political value, then this province should be given a position of great prominence.

" But, Sir, the Punjab has its grievances and it looks up to Your Honour to represent them to higher authority with a view to redress. I must thank His Honour for what he has said, namely, that His Honour will do all in his power to plead the cause of our Province. I had, I must assure you, Sir, never any misgiving in this behalf. It is true that the interests of the masses have to be guarded. But is it not a fact that these interests were always kindly guarded by non-official elected members in all what they ever said in this behalf on suitable occasion arising. So far it has held a place of but secondary importance among the other provinces, and I for one have always failed to realise the justice of this. The spread of education has been remarkably rapid with us ;

[*Diwan Bahadur Diwan Daulat Rai; Khan Sahib Mirza Ikram-Ullah Khan; Sardar Bahadur Gajjan Singh.*]

nearly 25 per cent. of our boys of school-going age are literate, and our University is already producing as large a number of graduates as some of the more favoured provinces.

"The development of our municipal life has seen equally rapid and remarkable. Since the institution of municipalities they have worked fairly smoothly and with results of which we all are proud.

"Our Province has one advantage over the others in so far as it can be said to possess a middle class in the true sense of the word. The distribution of wealth is more even here than elsewhere. The peasant proprietor is the back-bone of the population and is likely to become a more efficient voter than the factory workman of Bombay or the tenant of the United Provinces and Bengal. At least we can predicate with some certainty that neither the factory owner nor the Talukdar or Zamindar will be able to control the vote.

"Sir, it must not be forgotten that we have enjoyed the privilege of British Rule for a much shorter period than the other provinces. We have had British Rule for about 60 years when the Presidencies have been so administered for nearly a century and a half. But whether we look at the extent of progress or the rate at which we have been advancing the balance is heavily in our favour.

"Sir, the High Court, we are all glad to know, will not be long in coming, and the Reform Scheme does provide for the machinery of a Governor and Council. Our ambitions, however, will not be satisfied till we have acquired the status and dignity of a Presidency, and if I may say so with becoming modesty, we have earned the right even to some preferential treatment. I beg therefore to support the resolution."

The Hon'ble Khan Sahib Mirza Ikram Ullah Khan:—"Sir, I have to give my full support to this resolution. It has been urged several times before in this very Council that the Province of the Punjab does not lag behind other Provinces in any respect. During the present Great War the Punjabis have, on the other hand, proved themselves most forward in many respects. In the matter of recruiting they have stood the first. With regard to the War Loan they have also beaten twice at least one of the Presidencies. The claims of this Province for the reforms on the same footing with the Presidencies are, in my opinion, quite sufficient. Apart from being the Sword-hand of India it is far advanced in civilization and sufficiently advanced in education as is required for the purpose of reforms in comparison with other Provinces. It is, therefore, in the fitness of things that this Province should be brought on the level of the Presidencies with regard to the constitutional reforms."

The Hon'ble Sardar Bahadur Gajjan Singh:—"Sir, I give my hearty support to the resolution which has been very ably moved by my Hon'ble friend Pandit Jowahar Lal. I wish to add, Sir, that the Punjab has undoubtedly proved its devotion and attachment to the Government during the most critical period of the war. At a time when we Punjabis were sending our best blood for the sacrifice to uphold the honour of the Empire, in some of the Provinces here which now are to supersede us, passive resistance was being preached very actively. And then, Sir, our share of sacrifice is without competition in any other Province. Take one instance of recruiting: the other day I read the speech of the Commissioner of the Jullundur Division who held a darbar at Karnal, in which that officer remarked that the quota of the Jullundur Division alone, which was nearly 50,000 a year, was equal to the whole Presidency of the Madras. In fact, Sir, it is truly said in the press and elsewhere that the sacrifice and service, though not made for the sake of any reward, are to be the foundation of the concessions contained in

[*Sardar Bahadur Gajjan Singh; Mr. Maynard; Mr. Craik.*]

the Reform Scheme. Indeed, Sir, it will be very strange that other Provinces, on the basis of our sacrifices, should be treated with preference as compared with us. I decline to believe, Sir, that concessions can only be gained by agitation and agitation alone. Punjab with its head cool, with its profound traditions of loyalty would never go in for agitation to obtain concessions from Government whom they have always learnt to trust. Therefore I submit, Sir, that let it not be said that other Provinces got the concessions because they were the first to agitate. With these few words I strongly support the resolution. Let not the Punjabis be taunted by the other Provinces with the remarks, 'well, we have reaped the fruit and you have been sowing the seed.'

The Hon'ble Mr. Maynard :—“ At this stage I might point out that it is rather important, in order that these resolutions of this Council might carry a due amount of weight with the Government of India, before whom they will be ultimately laid, that the Council should make it a little more plain how certain practical difficulties are to be disposed of. I am making this suggestion in order that in the remaining speeches particular practical difficulties may be dealt with. Amongst these I might mention this one. The resolution is that the Punjab should be on an equal footing with the Presidencies and the United Provinces. What I think we ought to make quite plain is this : we do not at present know precisely what is going to be done in the three Presidencies and United Provinces. We ought to make it quite plain why we think that, without knowing precisely what is going to be done in those Provinces, we nevertheless think that those same things are appropriate to the Punjab. I do not mean to say that they can not be done, but I think we ought to make it plain why, without knowing what these measures are, we think that these are appropriate to the Punjab. That is one point. Then there is another point. All these arrangements, of course, which are ultimately to be made, are to be made because they are believed to be good for the people for whom they are made. They are not made as a favour to the people but they are done only because they are good for them. And I think we should make it quite plain, not merely that the Province has deserved good treatment (that we all admit and nobody would say otherwise) ; but the question is that the Council should take into account why it thinks certain particular things are really good for the Province. It is a sort of axiom that the thing which is good for the people should be done whether they deserve it or not. Then of course there are practical difficulties to which the Lieutenant-Governor very briefly alluded before he left. He said it would be a good thing to say why you think that similar treatment is necessarily sound for Provinces which, to begin with, contain a very different population. That would be particularly important in considering how many members you are going to have in your Legislative Council. Then one would say also that the question of the number of men who are trained and capable in point of intellect and character and trained to do particular work is one which should be taken into account, because no province starts by having an unlimited number of men who are qualified to do work of a particular kind. In time they may become so. It is just a question whether every Province has the same number to choose from. Everybody is not fit to be a member of the Legislative Council, and it is a question whether the range of selection is identical and similar in all Provinces. These are the principal points that I would suggest the Council should deal with simply to make them plain. I think it would carry more weight if it did deal with them.”

The Hon'ble Mr. Craik :—“ May I point out, Sir, one practical illustration of the results which may occur if this resolution was given effect to. I take it that the resolution would mean that the rate of Indianising the services would proceed at the same rate in the Punjab as elsewhere. If you read the

[*Mr. Craik; Mr. French; Rai Bahadur Chaudhri Lal Chand.*]

report carefully, you will see that the paragraph dealing with the Indianising of the services, says that it is not necessary that the rate of progress should be the same in all Provinces. But assuming that it was so in the case of many of the services, and assuming that there was an open competitive examination, the majority of your civilians would be Madrasis and Bengalis. That is a point—I am not saying it would not be a very good thing, it might be or it might not—you have got to consider. There was recently a competition for the Indian Civil Service in England. There were I think 5 candidates of whom not one came from the north of India. One man came from Benares. Six were successful of whom not a single Muhammadan, not a single Sikh, not a single Punjabi was successful. No one appeared from the Punjab. Of the successful candidates every one was a Hindu either from Bengal or Madras, one was Cingalese. I put this as an illustration of the effect of putting the Punjab on a level with the Presidencies. It is for the Hon'ble Members to decide whether they have foreseen these things. There are many similar matters and I could quote similar practical difficulties."

The Hon'ble Mr. French:—" May I also mention another point. Several members have expressed a desire that the Province should be governed by a Governor from England and speak of preferential treatment. I do not know what preferential treatment means, but it is a question what the Punjab would prefer and whether that is the best form of Government for the Punjab. You have to realize the fact that there are a number of gentlemen with whom the Lieutenant-Governor has to deal who are unversed in the English language. There is a distinguished member present to day who would perhaps be cut off entirely from personal intercourse with the Head of the Province. In fact a calculation has been made by the Lieutenant-Governor to the effect that over seven gentlemen out of 10 he meets are unable to converse with him in English. All of these gentlemen will be cut off from direct personal intercourse with the Head of the Province if a Governor is appointed from England. That is another practical point to be borne in mind."

The Hon'ble Rai Bahadur Chaudhri Lal Chand:—" Sir, I rise to support the motion. Perhaps all my Hon'ble colleagues will agree that much of what we are about to get in the way of constitutional reforms is the result of the part played by India during the present war. Indian soldiers have fought shoulder to shoulder with the British soldiers and have proved Indian's valour and loyalty beyond all doubt. They have shown that Indians are capable of discharging the hardest duties and can be relied upon in the most troublous times. Punjab with a population which is about 1/8th of the whole of India has contributed more than 50 per cent. to its man-power. In the matter of war loan and other services also she has contributed beyond her means. Under those circumstances it will be a very great slur upon the 'sword-hand' of India if our Province were not placed at least on the same footing with the three Presidencies and the sister Province on the other side of the Jumna.

"The enterprising spirit which is the Punjabis' chief characteristic is another ground for placing her on an equal footing with the three Presidencies. Apart from this the progress made by the Punjab in education during the last 30 years entitles her to get the status proposed. The Hon'ble mover has made a very modest request without detaining the Council any longer. I give my hearty support to the resolution so ably moved by the Hon'ble Pandit Jawahar Lal. But before I close I wish to point out briefly one or two points in what respects we want similar treatment with Presidencies:—

- (i) Our representation in the Imperial Council should be commensurate with our political importance and services.

[*Rai Bahadur Chaudhri Lal Chand; Diwan Bahadur Diwan Daulat Rai.*]

- (ii) Similarly with our representation in public services. The Hon'ble Mr. Craik has referred to the Indian Civil Service Examination in which Bengalis and Madrasis are prominent. What we want is that Government may make the deficiency good by nomination of Punjabis in posts which are in the gift of the Government.

The other day we read about the nomination of 5 young men for the Sandhurst College. I was not a little surprised, Sir, when I saw that out of 5 candidates 2 belonged to Bengal and only 1 to the Punjab. We may not agitate or take equal part in political propagandas but in military services we can never be equalled by other Provinces. It is a pity that fighting should be done by the Punjabis but the prize posts in the army should go to other Provinces.

"These are only some of the methods in which Government might help us."

The Hon'ble Diwan Bahadur Diwan Daulat Rai:—"You were pleased to remark, Sir, that we are asking to be treated equally with other Presidencies without knowing what treatment is going to be accorded to the Presidencies. Well, as to what is good generally speaking is contained in the Report on the Reform Scheme—liberalising the government generally, certain powers to be given to the ministers, and certain portfolios to be made over to them. If, for instance, there are certain subjects which by local knowledge we Punjabis are fitted to take over, all these should be made over to us. We should not be told: 'You are not able to take over those subjects, the Bengalis are better educated, they can do so.' The times of Raja Todar Mal and Bir Bal are fresh in our memory, and are very inspiring. His Honour said the other day, 'those who can defend themselves are entitled to govern themselves,' and His Honour further was pleased on another occasion to remark, as I have just mentioned, that it is believed, and I hope with justice, that the Punjabi possesses a sane and sound head. And it is not only the literary learning which fits a man to carry out these duties. We have got numerous instances in our Province. Take the case of the late Maharaja Ranjit Singh. He was quite an illiterate man, you might call him, but a man of vast common-sense, and he carried on the affairs of his State as a marvel. The same, as I said before, may be said of Raja Todar Mal. So it is more or less a matter of common-sense, sanity and cool-headedness that makes a man fit for administering certain affairs of government. Because the members of other provinces are better educated from a University point of view, it should not be a reason to put us back and say, as pointed out by my Hon'ble friend Sardar Bahadur Gajjan Singh, 'you have done much, you have sacrificed your lives, but no when you are going to get political rights and political status, you are not fit for it because you have not obtained University qualifications like the Bengalis and Madrasis.' What I contend for is that we have done all that was possible for us in the most critical circumstances for the purposes of the Empire, more as a matter of duty and not in the spirit of bargaining, but the fact is there, that we have done it, and that fact should not be ignored. That is a fact for the consideration of this Council and for the Lieutenant-Governor to submit to the higher authorities. That is one thing that we say that generally speaking the Reforms Scheme is a good scheme and gives us political rights and status and makes us partners in the administration. In this matter we should not be left behind. What is good for us is already admitted by the learned authors of the Report—political concessions, liberalising of the government. That is good for us. They have considered and after very anxious consideration they have come to the conclusion that we are fitted to be given those concessions. They are good in

[*Diwan Bahadur Diwan Daulat Rai ; Mr. Maynard.*]

the right and just sense of the word. That is good for us. That is good for everybody, therefore we say that if political concessions are to be given we should not be left behind when it comes to be considered whether a certain province should or should not be given certain concessions, whether a province, who, in the most critical times, has done the most, should not be given at least the same concessions as the other provinces who have not done as much.

"Another thing was pointed out with regard to the number of men in this province. You were pleased to remark that His Honour the Lieutenant-Governor made a remark to the effect that in other provinces the population is larger than the population of this province, and therefore the number of members of their Councils should be larger too."

The Hon'ble Mr. Maynard :—"His Honour only suggested it."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—"Yes. With reference to the discussion that took place we are asking for 100 members, roughly speaking, for the Legislative Assembly. Is it not possible to find 100 men in this province? Is it not a slur upon the system of education which we have received for over 50 years that it has failed to produce 100 men qualified for the Council? I decline and refuse to believe that. I most emphatically refuse to believe that. The system of education has succeeded, I contend, in creating men who would be an honour to the country, if opportunities are given to them for showing what they are worth and for doing for their country what they are capable. I wonder if it is necessary to labour the point any more. But allow me to remind you, Sir, that in all cases when even the highest duties are demanded from Indians in the highest Councils of India—in the Imperial Council, the work has been done in such a manner as has done credit, not only to those who have done the work, but to those who have called upon those people to do it. It must be quite fresh in the memory of every one of us what Lord Minto said about his Indian Councilors, and it may quite fresh in the memories of all of us what Lord Chelmsford said about his Indian Members. Sir Sankar Nair, Sir Ali Imam and Sir S. P. Sinha have done their part and I may have the modesty of submitting that they have done their part so well that the Government would be only too pleased, if they have had the choice to exercise, to nominate any number of Sinhas, any number of Ali Imams and any number of Sankaran Nairs. Is it again too much to say that a very large number of such men cannot be found in the country, and is it too much to say that 100 men could not be found in this province to carry on the Legislative work, to be given certain portfolios and to be given certain administrative powers? You will be pleased to see, Sir, that it is stated in the Report of the illustrious authors that there are certain subjects which, by virtue of local knowledge, the people of the province are fitted to carry out. And they also say: Let it be admitted and admitted most frankly that mistakes will be made. The authors of the report fully recognise that it is by mistakes that we learn. I decline to believe that there are not even 70 or 80 or 100 members to be had who can be trusted with portfolios which the scheme intends to make over. Therefore my submission is that the question of number, although it has got plausible significance no doubt, has not got real significance. People from other provinces will say, 'well, we are very much larger in number' but we will tell them, 'you are larger in number but the greatest sacrifices were made by our province, so we should have as great a number of members,' a proposition which is by no means unjust, a proposition which would be accepted by many other provinces. I assure you that if we are given equal terms in this sense Bengal will not grudge it. Bengal will not say, you are giving us 100 men therefore you should give them more. Fix the number for Bengal and tell them that the Punjab will be treated the same way, they will not grudge it.

[*Sardar Bahadur Gajjan Singh; Mr. French; Diwan Bahadur Diwan Daulat Rai; Mr. Maynard.*]

There is a brotherly feeling; there is no question of enmity; there is no question of rivalry in the bad sense of the term; it is a healthy rivalry. I do not think they will grudge it."

The Hon'ble Sardar Bahadur Gajjan Singh :—" May I ask for information as to what is the population of Bombay Presidency ? "

The Hon'ble Mr. French :—" 20 millions."

The Hon'ble Sardar Bahadur Gajjan Singh :—" And of the Punjab ? "

The Hon'ble Mr. French :—" Approximately 20 millions."

The Hon'ble Diwan Bahadur Daulat Rai :—" What would be the population of the North-West Frontier Province ? "

The Hon'ble Mr. French :—" 2 millions."

The Hon'ble Sardar Bahadur Gajjan Singh :—" From the population point of view Bombay is not superior to the Punjab. In a speech Mr. Shafi delivered in the Imperial Council, he compared the advance of Bihar and Orissa with that of the Punjab and in almost everything the Punjab superseded it, notwithstanding this Bihar and Orissa has got a more advanced form of Government."

The Hon'ble Mr. Maynard :—" That is just the sort of argument I wish to draw."

The Hon'ble Sardar Bahadur Gajjan Singh :—" The figures given in paragraph 206 of the report show that the Government of India shall require a deficit of 1,363 lakhs to be made up in its Revenue from the Provincial surpluses which somewhat exceed that sum. Now this deficit approximately amounts to 20 per cent. of the gross Provincial Revenue. Should each province be required to contribute to the resources of the Government of India a sum equal to 20 per cent. of its gross revenue, till some scheme of a more equitable nature is possible, the figures would be as follows :—

Madras	...	...	...	266	lakhs.
Bombay	...	...	...	200	"
Bengal	...	...	...	151	"
United Provinces	...	...	...	224	"
Punjab	...	...	...	173	"
Burma	...	...	...	154	"
Bihar and Orissa	...	...	...	81	"
Central Provinces...	...	...	...	22	"
Assam	...	...	...	34	"
			Total	1,365	"

" These figures, it is submitted, will be a more near approach to the figures which would make out on the basis of population which is the only equitable basis, than those given in the report. Objections may be taken that this basis will result in deficit in some of the Provinces, notable in Bengal and Bombay, and will, therefore, upset their finance altogether and it seems to be due to their desire to meet this objection, that the authors of the scheme have fallen into the error of continuing an iniquitous disparity among the Provinces. But it should not be ignored that the incidence of tax in these Provinces is much lighter than elsewhere, and that Bengal has comparatively only recently been granted. Presidency Government, without paying any extra tax

[Sardar Bahadur Gajjan Singh; Pandit Jawahar Lal, Bhargava;
Mr. French; Rai Bahadur Chaudhri Lal Chand; Rai Bahadur
Ram Saran Das; Mr. Maynard; Rai Bahadur Bakhshi
Sohan Lal.]

for it, while the other Provinces are yet to embark on the Council form of Government and shall have to find resources for the same. Why should not Bengal with the first advance of Responsible Government agree to tax itself on the same level as the rest of the country and why should they not share the burden in proportion to the advantages possessed by her. Bengal and Bombay are economically much superior to other Provinces and yet lightest is the burden that they bear for the defence of the country. There seems no reason why their burden should be borne by the Punjab which is the poorest of the Provinces and so bravely supplies the man-power required for Imperial purposes. The Punjab stands in need of considerable education and sanitary development in order to approach the standard already achieved in Bengal and Bombay and yet she shall either have to stop such developments or tax itself still further in order to pay to the Government of India for defence of the country what Bengal and Bombay should in justice have to pay. This is hardly equitable. With these remarks I support the resolution."

The Hon'ble Pandit Jawahar Lal, Bhargava :—"With regard to what was said about the Governor not being conversant with Urdu and not able to speak to Urdu-knowing members, I think that is not an insuperable difficulty. The same thing must obtain in Bombay and Madras where the Governors are not conversant with Urdu, and the people manage to express their ideas. There will be no practical difficulty in that respect."

The Hon'ble Mr. French :—"The conditions of society are different there."

The Hon'ble Rai Bahadur Chaudhri Lal Chand :—"May I know the percentage of Punjab and United Provinces as regards literacy. I think we are ahead of the United Provinces."

The Hon'ble Rai Bahadur Ram Saran Das :—"The literacy percentage for the Punjab is 63 and for the United Provinces is 61."

The Hon'ble Rai Bahadur Chaudhri Lal Chand :—"In that respect also we are ahead of our sister province."

The Hon'ble Rai Bahadur Ram Saran Das :—"I give my support to this resolution subject to certain modifications that will be made in details by the various resolutions that will be passed in this Council. The services of the Punjab are unique and have deserved special recognition."

The Hon'ble Mr. Maynard :—"There is one little point which I should like to be plain about. There is a portion of another resolution to be moved by the Hon'ble Bakhshi Sohan Lal that this Council recommends to His Honour the Lieutenant-Governor to submit its opinion to His Excellency the Governor-General in Council that *****(b) the Governor of this Province should have emoluments and status equal to those of the three Indian Presidencies. We may dispose of that also with this resolution, if the Hon'ble member will accept an amendment to the effect that this clause may be added to the resolution."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—"I have no objection."

The motion was then put agreed to as follows :—"This Council recommends to His Honour the Lieutenant-Governor to take steps to secure that the Punjab in the matter of constitutional reforms, be placed on an equal footing with the three Presidencies and the United Provinces, and that the Governor of this Province should have emoluments and status equal to those of the three Presidencies."

[*Pandit Jawahar Lal, Bhargava.*]

The Hon'ble Pandit Jawahar Lal, Bhargava, moved the resolution that "this Council recommends to His Honour the Lieutenant-Governor to recommend to the Subjects Committee that so far as the Punjab is concerned all the subjects shown in the Illustrative List II of the Report on Constitution Reforms be transferred to the control of Ministers."

The Hon'ble Pandit Jawahar Lal, Bhargava :—"Sir, the resolution which I now move runs thus: 'This Council recommends to His Honour the Lieutenant-Governor to recommend to the Subjects Committee that so far as the Punjab is concerned all the subjects shown in the Illustrative List II of the report on constitutional reforms be transferred to control of Ministers.'

"Sir, the subject with which this resolution deals is the most important of all the subjects connected with the constitutional reforms. It was necessary that this subject should be brought before the Council even in the opinion of the illustrious authors of the scheme. In the end of paragraph 238 of the report it is pointed out that the list of subjects to be transferred to popular control should be discussed in Provincial Councils and considered by the Provincial Governments so that the Committee that may be appointed to recommend which of the functions assigned to the Province should be transferred subjects may have ready at hand considered criticism upon the applicability of the suggestions made in the report to the circumstances of each particular Province.

"The guiding principle for including subjects in the transferred list has also been enunciated in the same paragraph and it would be convenient for reference sake to quote the passage in its entirety. It runs thus: 'Their (i.e., the Committee's) guiding principle should be to include in the transferred list those departments which afford most opportunity for local knowledge and social service, those in which Indians have shown themselves to be keenly interested, those in which mistakes which may occur though serious would not be irremediable, and those which stand most in need of development.'

"The Punjab has been progressing by leaps and bounds in all matters, social, religious or educational. I need not dilate on them at length as they have already been referred to in discussing resolution No. XI.

"The Punjabis have never failed in discharging the duties of the offices entrusted to them in all the departments with remarkable efficiency and credit to themselves. They have given ample proof of their capacities and resourcefulness in carrying on all the duties connected with the subject mentioned as No. (2) in the Illustrative List No. II appearing on page 177 of the report (local self-government, rural and urban). Though it is true that the last word has in most cases remained with the Government official yet the brunt of the whole work has been generally borne by the non-official officers of the local bodies, and they have acquired the experience of managing local affairs fairly well and are not unfamiliar with the responsibility that attaches to their and their superior's office. This subject can consequently be safely made over to popular control in the Punjab.

"In the Department of Education the Punjabis have shown special aptitude and interest. The Punjabis are managing independently of the Government control many important colleges and schools in the province and the results obtaining there are in no way inferior to those obtaining elsewhere.

"The Department of Education is bound to expand to a very marked degree in the near future and it is needless to say that the Punjabis are pre-eminently suited to look to the educational requirements of the province. The Punjabis understand full well their own necessities in this particular and this department also can very safely be entrusted to popular control.

[*Pandit Jawahar Lal, Bhargava ; Mr. Maynard.*]

"This war has demonstrated that in the medical and sanitary lines also the Punjabis are capable of controlling and administering the Department. It is hardly necessary to expatiate about each subject individually. It would suffice to say that in the rest of the subjects mentioned in the illustrative list also that the Punjabis have proved themselves upto the mark whenever and wherever opportunities have been offered to them to show their capabilities and grit.

"The Punjabis distinguished themselves in all departments and position of responsibility and shown remarkable power of organization, control and adaptability.

"In the Native States the Indian officers of the Punjab Government whose services have been lent to the States and the Indian officers of these States have been administering these departments successfully.

"Most of the subjects given in Illustrative List II require either local knowledge or involve social service or special interest and there is no lack of all these qualities and qualifications in the Punjab and the list contains hardly any subject in which mistakes which may ever be committed, will be irremediable, as none of them deals with the maintenance of law and order.

"Looking to the advance that has already been made in the Punjab in all the departments, and the progress that is being made, it is not too much to ask that no subject given in the Illustrative List II be not transferred to the popular control.

"The authors of the report have themselves been very cautious in not including in this list the subjects which they thought fit to be treated as reserved subjects in the initial stages of responsible Government.

"The list is not exhaustive and comprehensive enough, yet to start with the demand made in the resolution is a very modest one and I hope that His Honour will be pleased to make the recommendation prayed for in the resolution."

The Hon'ble Mr. Maynard :—"Perhaps I might just say something about one practical difficulty of the kind I was speaking of. I might make it plain that I am not putting forward my own views but I am pointing out to the Council particular considerations which may be alleged on one side or the other and with regard to which the members may desire to record some opinions of their own. For instance on this particular subject, I fancy there will be some people at all events it is a thing which does require an answer—who will say something in regard to the University Education. I am particularly interested in the University education. It is just possible that some one might say: 'We have observed the popular representatives are inclined to lower the standard out of consideration for the welfare of candidates for examinations. They will be prepared to multiply degrees.' That is the thing which might be said and so some of you may like to give arguments on the other side.

"There is another point on the subject of education. This Rowlatt Committee which came to investigate certain questions in regard to crime, have said, not about the Punjab but about another Province, that it had been suggested that there was a danger, if absolute unfettered popular control over education in the early stages were given, that undesirable tendencies might set to work to capture education and imbue school boys at an early age with ideas which might be subversive. I am only telling you what somebody else might say in order that you might meet those arguments. I am not putting forward my own views. Of course as regards the lowering of the standard there is the case of the Medical College in which I will give arguments on the other side,

[Mr. Richey; Mr. Maynard; Diwan Bahadur Diwan Daulat Rai; Rai Bahadur Ram Saran Das; Rai Bahadur Bakhshi Sohan Lal; Mr. Ellis.]

that is to say it is impossible probably that any Indian administration would lower the standard of the Medical College for the simple reason that if they did so, the medical men would find themselves excluded from the various Committees of Medical Councils in Great Britain, for they would not regard their qualifications as sufficient. In that respect there is probably a sufficient safeguard, but there may not be a sufficient safeguard in regard to general education."

The Hon'ble Mr. Richey :—" If we are dealing with the Illustrative List II to which the Hon'ble Member referred, then it does not deal with University Education."

The Hon'ble Mr. Maynard :—" I am sorry, I did not understand that. I had understood that it was proposed in the Illustrative List II to transfer the University Education too."

" Then we come to another thing about which there is a certain amount of controversy. Here again I have a special and direct interest in the subject because the department happens to be under my charge. This is the question of Excise. There will be some people who will say, I am not competent to decide, that possibly certain corrupt conditions such as the presence of illicit distillation may be ignored and we may find an Indian administration say on paper 'we abolish drinking,' but illicit distillation would go on just the same. That is one of those arguments which may be put forward and possibly some one might like to meet it."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—" I would suggest that the Excise money be given for Education like the 'Whisky money' in England which is spent on Primary education. The Hon'ble Mr. Richey would be only too glad if it were done."

The Hon'ble Mr. Maynard :—" That would immensely shock the temperance reformers."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—" I would suggest that the consideration of this resolution should be postponed till to-morrow."

The Hon'ble Rai Bahadur Ram Saran Das :—" Yes, Sir, we might postpone the discussion."

(The discussion on this Resolution was postponed to the next day.)

The Hon'ble Rai Bahadur Bakhshi Sohan Lal was called upon to move his resolution No. 19 (c) standing in his name.

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—" The Resolution which I have to move is only a part of resolution No. 19. It is that '*the Governor for this Province should be ordinarily selected from among the public men of the United Kingdom possessing Parliamentary experience.*' This is based on the announcement of 20th August 1917 which gives us responsible government and in order to have the full effect of that government I think that we should have a Governor who has Parliamentary experience in England and it will also be necessary to put the Punjab on an equal footing with the other Presidencies. If this is not the case then we cannot say that the Punjab is to be on the same footing as the other Presidencies are to be. At any rate I think that in order to give full effect to the announcement of the 20th August 1917 it is absolutely necessary that we should have a Governor with Parliamentary experience. Therefore I think that Punjab must be given the same advantages as the Presidencies."

The Hon'ble Mr. Ellis :—" May I point out one legal difficulty. If this resolution is given effect to, it would be a practical interference with the King's prerogative in appointing Governors to represent him, and would limit the circle from within which he could appoint. Subject to advice, the King's prerogative in appointing Governors in the Colonies is unfettered."

[*Mr. Maynard; Rai Bahadur Bakhshi Sohan Lal; Khan Sahib Ikram Ullah; Nawab Sir Bahram Khan; Sardar Bahadur Gajjan Singh; Rai Bahadur Ram Saran Das; Rao Bahadur Chaudhri Lal Chand.*]

The Hon'ble Mr. Maynard :—“ There are one or two points I think upon which I would suggest to the Council methods by which they may be able to adduce good reasons. One of them is that there is not an unlimited supply in the United Kingdom of men of intellect, calibre and character which is required for posts similar to the Governorship of the Presidencies. It is well known as a matter of practical fact that it is sometimes rather difficult to find men who are both able and qualified and willing to fill the Governorships of the Presidencies, and I think it is a point which must be taken into account whether notwithstanding that difficulty the Hon'ble Members will be quite prepared to face the difficulty of finding suitable men to take up these posts. Of course we can always find some one willing to take up any post, but the question is whether it is the type of man required. The other matter is one which has already been considered. It is this, whether Hon'ble Members and particularly those who cannot converse freely in English, would be quite prepared to find that they were only able to converse with the head of the Province through the medium of an interpreter.”

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—“ The word ‘ordinary’ does not exclude any other person being appointed if necessary. The word ‘ordinary’ means that if a public man of Parliamentary experience from England is available, he may be appointed, but if he is not available, there is nothing in the resolution to debar the appointment of a Civilian.”

The Hon'ble Khan Sahib Ikram Ullah :—“ If equal footing means that we are to have a Governor from the United Kingdom and not a man with experience from the Province, I would oppose the motion.”

The Hon'ble Nawab Sir Bahram Khan opposed the resolution.

The Hon'ble Sardar Bahadur Gajjan Singh :—“ I have already expressed my views on the subject and after giving the matter my careful consideration, I again submit that at present it will be better and more in the fitness of things that we should have an officer of Indian experience to be the Governor. Of course it is suggested in the scheme that all the Provinces will have Governors in Council and I do not think my Hon'ble friend Nawab Bahram Khan means that we should have a Lieutenant-Governor. The whole point is whether we should make claims to get a Governor with Parliamentary experience or an officer who knows the country and has experience in the Punjab. My opinion is that an officer of Indian experience in the Punjab will decidedly be better. Of course there is another consideration. This is perhaps the only high post which is open to the Civilians of the Province. We shall be depriving the Civilians of a distinguished post open to them. I regret I am not prepared to accept the resolution which has been proposed.”

The Hon'ble Rai Bahadur Ram Saran Das :—“ I should like to propose an amendment to this resolution and that is, I shall add at the end of this resolution the words :—or from amongst the members of the Indian Civil Service who have served in the Punjab.”

The Hon'ble Rao Bahadur Chaudhri Lal Chand :—“ I fully sympathise with the suggestion but sincerely feel an Indian Civil Service officer with 30 years' experience will be found more useful, more sympathetic and in a better position to keep a balance between different communities. Take the present times, for instance, I think all of us admit that our Province would not have performed the service she has rendered and of which we are so proud, if we had not a distinguished member of the Indian Civil Service like His Honour at the head of its affairs. I would therefore have a Governor from the Indian Civil Service but I do not debar men of Parliamentary experience altogether. Ordinarily an Indian Civil Service officer should be appointed.”

[*Captain Gopil Singh; Diwan Bahadur Diwan Daulat Rai; Nawab Sir Bahram Khan; Syed Mehdi Shah; Rai Bahadur Bakhshi Sohan Lal.*]

The Hon'ble Captain Gopal Singh :—" I support the Hon'ble Member's amendment because I am against totally shutting out the Indian Civil Service men who have experience of the country. It is not the question that an officer coming from England may not know the language of the Province as there may be some officer who knows the language, but he will lack experience of the Province. He will be dependent upon his ministers and secretaries. The officers who have served their whole life in the Province know and understand the people and country and therefore I should say that for the present we require an officer who is familiar with the country. I am against the resolution of having as head of the Province a man from the United Kingdom."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—" I also support the resolution as amended. It has been suggested that if a public man from the United Kingdom comes here it will be very difficult for him to carry on because he will not know the language. Another disadvantage is that he will not have experience of the Indian communities and the affairs of India. If a Viceroy who governs the whole of the Empire can do very well, although he is a public man from England, surely a Governor can do the same. The argument loses all its force if we look at it from this point of view. And again it seems to me that they are going to institute Parliamentary administration in this country and gentlemen well versed in those forms of government would perhaps be better qualified to carry out the wishes which the authors of the scheme have in view. But I would be the last person to debar a distinguished member of the Indian Civil Service from holding this high position merely because he does not belong to the public service of the United Kingdom. Men may be found as they are being found at the present time, in the future also, with really good qualifications, proper experience and adequate knowledge, who will be quite fit to discharge the duties of a Governor. I therefore submit that the resolution might run that the Governor should ordinarily be selected from amongst the public men of the United Kingdom possessing Parliamentary experience or from the officers of the Indian Civil Service who have served in this Province, or words to that effect. We would rather have an officer who knows us who has known us for one-third a century. Under these circumstances I support the resolution as amended but I am strongly against adopting either the one isolated view or the other, that is to say either to have a man with Parliamentary experience from the public men of the United Kingdom or the Indian Civil Service only. I would have the alternative put down and this apart from the reason which the Hon'ble Mr. Ellis has pointed out. I have very great respect for the Legal Member whom I have had the privilege to know for the last 25 years, but I do not see that his argument applies in this case. The sovereign will nominate the Governors from among the public men of the United Kingdom, it is not interfering with his discretion. The discretion presumably has to be exercised with reference to the laws on the subject.

" I beg to support the resolution as amended."

The Hon'ble Nawab Sir Bahram Khan opposed the resolution.

The Hon'ble Syed Mehdi Shah opposed the resolution.

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—" I do not think I should dilate on this point. If the members are willing to pass, the resolution as amended, I am prepared to accept the amendment."

The motion which would run as follows :—

" That the Governor should be ordinarily selected from among the public men of the United Kingdom possessing Parliamentary experience or from amongst the members of the Indian Civil Service who have served in the Punjab," was put and carried.

The Council adjourned till the 21st November 1918, 10-30 A.M.

LAHORE :

T. P. ELLIS,

APPENDIX A.

(SEE QUESTION NO. 23 ASKED ON THE 24TH APRIL, 1913.)

Answer by the Hon'ble Mr. French, V. (a) and (b). A statement detailed by districts is laid on the table.

QUESTION V.		QUESTION VI.		QUESTION VII.	
Districts.	(a) Number of licenses renewed/refused by District Magistrates during 1918.	(b) Number of guns, etc., deposited in Police Stations for want of renewal, 1918.	Whether renewals of licenses were made conditional by payment in cash to War Fund or supply of recruits.	(c) Number of licenses refused/renewed for non-compliance with condition VI.	(d) Whether applicant's previous services were or were not held sufficient to justify renewal.
Simla	...	...	...	...	...
Ambala	...	1 gun	...	...	...
Rohilk	...	...	...	...	...
Karnal	29	21 guns	Renewal of licenses not made conditional.	...	...
Gurgaon	20	9 guns and 2 swords	...	...	...
Hissar	33	6 guns in malkhanna and 1 in police station.	...	...	...
Montgomery	99	78 guns and other arms	74 licenses were refused as licensees did not assist in recruiting.	...	...
Ludhian	35	32 guns, 2 swords, 1 kukri and 2 daggers.	27 licenses resumed from persons belonging to unwar-like tribes unused to bearing arms.	NH.	NH.
Jhang	114	114 guns, 1 sword	Renewal of licenses not made conditional. A large number of licenses, however, were refused as licensees had failed to help in recruiting.	101	Services in form of contributions to War Loan or other War Funds were duly considered before orders were passed.
Multan	2	2	None.	None.	...
Muzaffargarh	23	18 guns, 1 sword	None.	None.	...
Dera Ghazi Khan	Renewal of licenses not refused.	...	None.	None.	...
Amritsar	NH	...	NH.	NH.	...
Lahore	6 (owing to transfer and other causes).	11	NH.	NH.	...

15	Coras-pur	...	...	34 (owing to transfer, death and other causes)	6	...	14 were cancelled owing to licensees failing to help in recruiting and other War measures	13	...
16	Gujranwala	...	'05	35 guns, 10 swords, 1 pistol	...	...	Renewals not made conditional on contributions to War Funds, but licensees were supplied to produce recruits.	...	Yes.
17	Falkot	...	7	7	7	...	Licensees postponed for failure to help in recruiting.	7	Yes.
18	Lahiana	...	3	4	4	...	NH.	NH.	NH.
19	Jallundur	...	53	29 guns and 5 other weapons	...	...	Renewal not conditional. Licensees refused if found licensees had done nothing to help Government and were not otherwise deserving of consideration.	34 licenses cancelled as detailed.	...
20	Kangra	...	224 (2,490 are in force.)	77	77	...	Renewal was made conditional on applicants having assisted in War work in one way or another.	No record kept but see answer to Question VI.	Such services were considered.
21	Ferozpur	...	233	151	151	...	Licensees cancelled for failure to assist in recruiting and other War work. Renewal of licenses was not made conditional on payment of cash to War Funds or supply of recruits, but license-holders warned that failure to assist in recruiting or War work would render their license liable to forfeiture.	NH	Yes.
22	Hoshiarpur	...	220	220 guns and 9 other arms	...	...	No.	185 licensees were refused as licensees had done no War work.	NH.
23	Rawalpindi	...	47	47	47	...	Renewal of licenses not made conditional ...	...	...
24	Attock	...	34	17	17	...	...	...	...
25	Misawali	...	77	29	29	...	Renewal of licenses not made conditional ...	...	...
26	Gujrat	...	23	11	11	...	...	...	...
27	Jhelum	...	81	63	63	...	...	...	...
28	Shahpur	...	61	27	27	...	Orders issued suggesting that renewal of licenses would be generally conditional on the production of recruits.	...	NH.

APPENDIX B.

(SEE QUESTION NO. 24 ASKED AT THE MEETING OF THE 24TH APRIL 1918.)

Answer by the Hon'ble Mr. French :—

"It is not correct that the renewal of licenses was in most cases made conditional on the payment of a certain sum of money or the supply of a certain number of recruits. In Shahpur only an order was passed making the renewal of licenses in that district generally conditional on the production of a certain number of recruits, but the order was interpreted in a liberal spirit and was not enforced against those who were not in a position to supply recruits or who had supported Government in other ways in connection with the war. Several District Magistrates, however, refused renewal where applicants had failed to render any assistance in recruiting or other war work."

APPENDIX C.

(SEE QUESTION NO. 25 ASKED ON THE 24TH APRIL 1918.)

Answer by the Hon'ble Mr. French :—

"(b) 61 licenses were refused renewal in the Shahpur District.

"(c) Applicants' previous services in connection with the war were, in 14 districts, taken into consideration in passing orders on applications for renewal.

"Instructions were issued in July last to all Deputy Commissioners that licenses for the protection of crops, cattle or life, where such licenses are really required, should not be refused merely because applicants had failed to give recruits or to contribute to war funds.

"The Lieutenant-Governor considers, however, that Deputy Commissioners were, in recent conditions, justified in refusing to grant or renew licenses for purposes of sport or display in cases where the applicant could show that he had done his duty in regard to recruiting or other forms of war service."

APPENDIX D.

(SEE ANSWER TO QUESTION NO. 24.)

Statement showing by religions the number of persons (i) appointed Munsifs by the Hon'ble Judges and (ii) recommended by them for Extra Assistants Commissionership during the last ten years.

	Total number.	Hindus.	Muhammadians.	Sikhs.	Christians.	Agriculturists.
Persons appointed Munsifs	84	37	37	7	8	23
Persons recommended for Extra Assistant Commissionership.	55	29	23	2	1	19
						451

APPENDIX E.

(SEE ANSWER TO QUESTION No. 26)—STATEMENT.

Civil Veterinary Department.*Deputy Superintendents.*

- 1 Hindu permanent (now officiating as Superintendent).
- 1 Hindu officiating.
- 1 Muhammadan officiating.

Veterinary Inspectors.

- 13 Muhammadans (including 1 officiating).
- 2 Hindus (including 1 officiating as Deputy Superintendent).
- 7 Sikhs (including 3 officiating).

Veterinary Assistants.

- 107 Muhammadans.
- 47 Sikhs.
- 29 Hindus.

Punjab Veterinary College (Indian staff).*Professors.*

- 2 Muhammadans.

Assistant Professors.

- 6 Muhammadans.
- 2 Sikhs.
- 1 Hindu.

House Surgeon.

- 1 Muhammadan.

Veterinary Assistants.

- 2 (vacant).

APPENDIX F.

(Wide answer to question No. 39.)

Division	District	Number of judgments or assignments of land revenue of not less than Rs. 200 per annum. (c)	NUMBER OF LAND OWNERS OR CROWN TENANTS PAYING LAND REVENUE OF NOT LESS THAN Rs. 250 PER ANNUM.		Number of persons paying house or land rent of not less than the value of Rs. 600 per annum.	NUMBER OF INCOME-TAX PAYERS INCLUDING SERVANTS OF GOVERNMENT AND LOCAL BODIES.		Number of urban residents owning property of a net value of not less than Rs. 20,000.	Number of non-student, matriculated persons holding degrees or University diplomas on the Oriental side.	Number of persons holding titles or honours conferred by Government and mentioned in this list.	REMARKS
			Land owners.	Crown tenants.		Rural.	Urban.				
ARUNACHAL PRADESH	Witer	12	277	...	...	713	725	335	...	...
	Yukhtok	8	72	...	...	1,342	356	149	...	...
	Girgan	23	290	2	...	864	467	121	...	...
	Karnal	133	95	2	...	1,983	621	152	...	...
	Anahala	308	73	...	...	781	925	196	...	...
	Simla	2	25	...	...	20	2,024	322	...	...
	Total	400	701	4	...	6,073	5,058	1,276	...	...
JHARKHAND	Kaogra	43	33	...	...	404	113	2	...	...
	Haidharpur	36	195	...	...	598	516	207	...	...
	Jalundhar	61	125	...	...	215	601	1,601	...	...
	Madhiana	159	49	...	...	470	609	49	...	...
	Ferozpur	90	214	1	...	672	761	581	...	...
	Total	289	648	1	...	2,589	2,600	1,751	...	...
JHARKHAND	Lahore	38	198	...	...	753	2,753	863	...	...
	Amitkar	85	135	...	...	624	1,810	2,849	...	...
	Gudhayer	61	230	...	...	677	672	164	...	...
	Sakot	33	93	1	...	772	(b) 500	(c) 84	...	...
	Gajrauwala	51	821	35	...	772	781	254	...	...
	Total	265	1,467	40	...	3,631	6,453	4,219	...	...
JHARKHAND	Cejrat	53	2	...	...	1,103	336	372	...	...
	Shahpur	20	310	2	...	624	1,048	561	...	...
	Jamshaidpur	52	...	...	...	752	415	129	...	...
	Rasulpindi	29	...	...	...	455	218	797	...	...
	Attock	35	159	...	...	785	256	137	...	...
	Manavali	23	73	2	...	641	260	89	...	...
	Total	161	919	353	...	4,916	2,625	971	...	...
MIZORAM	Montgomery	22	159	68	...	946	480	114	...	...
	Loyalpur	5	1,397	232	...	1,703	1,429	177	...	...
	Jamsh	14	449	98	...	938	512	134	...	...
	Naitiry	13	656	4	...	1,100	560	378	...	...
	Mozambique	4	135	1	...	1,016	560	378	...	...
	D. G. Khasi	18	88	1	...	501	489	170	...	...
	Total	61	3,104	354	...	6,223	3,467	1,020	...	...
	GRAND TOTAL	1,259	7,199	829	...	22,832	20,831	9,246	...	...

This information will be found on pages 107-201 of the Punjab Half-yearly Civil List corrected up to the 1st July 1928.

(a) Number of Incriters or assignees of not less than Rs. 250 a head for by the Hon'ble Member is not available.
 (b) Does not include families for whom separate list is available.
 (c) Summary figures relating to the Government list.

APPENDIX G.

STATEMENT.

(See reply to question 47.)

"In the current financial year, up to October-25th, the following expenditure had been incurred from the budget allotment of Rs. 44,000 for the encouragement of industries :—

	Rs.
Pay of staff of the Central Weavery, Lahore, and travelling allowance	7,179
Scholarships given in the Weavery and the Zenana Department thereof	810
Contingencies	2,610

"In the latter amount are included the following :—Cost of maintaining the Weavery, including the travelling exhibition of improved weaving appliances, and the Zenana Department, charges in connection with the dyeing school, grant to the Punjab Public Library, and fees to the Secretaries of Co-operative Societies for maintaining the registers and accounts of such societies."

APPENDIX H (1).

(SEE ANSWER TO QUESTION No. 48.)

Statement showing grants-in-aid sanctioned by the Sanitary Board, Puzjab, out of the grant of Rs. lakhs, placed at its disposal, during the seven months of the year 1918-19.

	Description of work.	Grant-in-aid.	REMARKS.
1	Lala Musa Drainage Scheme	Rs. 723	
2	Flushing of drains at Hazro	4,000	
3	Silt clearance of the tank at Pind Dadra Khan	990	
4	Diversion of Sarwana Nala at Hazro in the Attock District	2,805	
5	Gurhaspur Drainage Scheme	2,252	
6	Sargodha Water-Supply Extension scheme	48,000	Promised.
7	Maghiana Drainage Scheme	68,023	Do.
	TOTAL	1,21,393	

APPENDIX H (2).

(SEE ANSWER TO QUESTION NO. 48.)

Applications for grant-in-aid received by the Secretary, Sanitary Board, Ferozpur, during the seven months of the year 1918-19.

No.	Description of work.	Grant-in-aid.	REMARKS.
1	Lala Musa Drainage Scheme	Rs. 723	
2	Flushing of drains at Hazro	4,000	
3	Silt clearance of the tank at Pind Dadan Khan	990	
4	Diversion of Sarwana Nala at Hazro, Attock District	2,805	} Allotted.
5	Gurdaspur Drainage Scheme	2,352	
6	Sargodha Water-Supply Extension Scheme	48,000	} Promised.
7	Maghiana Drainage Scheme	62,623	
8	Drainage scheme for the town of Ballabgarh	17,907	Pending for want of formal application.
9	Rural Scheme for the Ambala Division	5,659	Pending.
10	Sargodha flushing channel water-course, paces	6,389	The Board does not consider any application for a grant-in-aid unless half the cost of the scheme is provided locally and the municipality has been informed accordingly.
	Total	1,51,846	

APPENDIX.

RESOLUTIONS ON AGENDA PAPER REGARDING CONSTITUTIONAL REFORMS.

XV.—The Hon'ble Rai Bahadur Ram Saran Das will move the following resolutions :—

1. This Council recommends to His Honour the Lieutenant-Governor to bring to the notice of the Governor-General in Council and through him of the Secretary of State for India, that this Council is of opinion that with certain modifications to satisfy Indian aspirations, the Scheme of Constitutional Reforms embodied in the report of Lord Chelmsford and Mr. Montagu constitute a substantial step in the direction of responsible Government in India.

2. This Council recommends to His Honour the Lieutenant-Governor to bring to the notice of the Governor-General in Council and through him of the Secretary of State for India, that this Council is of opinion that the provincial contribution from the Punjab to the Government of India, as suggested in the Report on Constitutional Reforms, is very excessive, tending to mar the future development of the Province, and that some other suitable arrangements should be made to put the system of provincial contributions to Government of India on an equitable and fair basis.

XVI.—The Hon'ble Khan Bahadur Mian Fazl-i-Hussain will move the following resolutions :—

3. This Council recommends to His Honour the Lieutenant-Governor to represent to the Government of India that in the matter of Constitutional Reforms the Punjab be placed on the same footing and treated in the same manner as the three Presidencies.

4. This Council recommends to His Honour the Lieutenant-Governor to represent to the Subjects Committee that all the Transferred subjects mentioned in List II of the Reform Scheme be placed under popular control in the Punjab.

5. This Council recommends to His Honour the Lieutenant-Governor to represent to the Government of India that a system of Reserved and Transferred subjects similar to that proposed for the provinces be adopted for the Government of India.

6. This Council recommends to His Honour the Lieutenant-Governor to represent to the Government of India that the following improvements be effected in the reforms proposed for the Provincial Executive :—

- (i) There should be no additional member or members without portfolios in the Provincial Executive.
- (ii) The status and salary of the ministers should be the same as that of the members of the Executive Council.

7. This Council recommends to His Honour the Lieutenant-Governor to represent to the Government of India that the following improvements be effected in the reforms proposed for the Provincial Legislature :—

- (i) President and Vice-President to be elected.
- (ii) Elected members to constitute a majority of four-fifths.
- (iii) The proposal to constitute a Grand Committee be dropped ; and in case the Executive require some legislation as regards a reserved subject and cannot get it from the Provincial Legislature, it should have the power to refer the matter to the Government of India for the necessary legislation in the usual way. If, however, the Grand Committee is retained, it should be so

constituted that half the members are elected by the Legislative Council, and out of the nominated members no more than two-thirds are officials.

8. This Council recommends to His Honour the Lieutenant-Governor to represent to the Government of India that the proportion of Muhammadans in the Punjab Legislative Council as laid down in the Congress League Scheme be maintained.

XVII.—The Hon'ble Rai Bahadur Raizada Bhagat Ram will move the following resolutions :—

9. This Council recommends to His Honour the Lieutenant-Governor to suggest to the Franchise Committee and to request the Governor-General in Council to provide that—

(a) the strength of the Punjab Legislative Council should not be less than 100 ;

(b) not less than $\frac{4}{5}$ of the Council should be elected and of the remaining $\frac{1}{5}$ to be nominated by the Government, not more than $\frac{1}{2}$ should be officials.

10. That there should be at least two ministers responsible to the Legislative Council and elected by members thereof, and that the ministers should occupy the status and draw the same pay as members of the Executive Council.

XVIII.—The Hon'ble Pandit Jawahar Lal Bhargava will move the following resolutions :—

11. This Council recommends to His Honour the Lieutenant-Governor to take steps to secure that the Punjab is, in the matter of constitutional reforms, placed on an equal footing with the three Presidencies and the United Provinces,

12. This Council recommends to His Honour the Lieutenant-Governor to recommend to the Government of India and the Secretary of State for India that the ministers in charge of the Transferred subjects proposed in the scheme of Constitutional Reforms should have perfect equality in status and emoluments with the members of the Executive Councils.

13. This Council recommends to His Honour the Lieutenant-Governor to suggest to the Government of India and the Secretary of State for India that the idea of appointing additional members without portfolios to the Executive Council of Provinces be dropped.

14. This Council recommends to His Honour the Lieutenant-Governor to represent to the Government of India and the Secretary of State for India that the proposal to constitute the Grand Committee in the Provincial Legislature be abandoned, and to provide instead that in cases of legislation on Reserved subjects the Bill may be passed into law if $\frac{2}{3}$ of the members of the Council vote in favour of the Bill. If, however, the proposal is not dropped, the Grand Committee should consist of elected and nominated members in equal number, and out of the latter not more than $\frac{2}{3}$ should be officials.

15. This Council recommends to His Honour the Lieutenant-Governor to recommend to the Subjects Committee that so far as the Punjab is concerned all the subjects shown in the illustrative List II of the Report on Constitutional Reforms be transferred to the control of ministers.

XIX.—The Hon'ble Rai Bahadur Bakhshi Sohan Lal will move the following resolutions :—

16. That this Council recommends to His Honour the Lieutenant-Governor to submit its opinion to His Excellency the Governor-General in

Council that the proposal to appoint additional members without portfolio (paragraphs 214, 218 and 220 of the Report) is open to serious objection and ought to be dropped.

17. That this Council recommends to His Honour the Lieutenant-Governor to submit its opinion to the Governor-General in Council that the number of ministers as proposed to be appointed under the Reform Scheme should be at least three in the Punjab and that their status, privileges and emoluments should be the same as those of the members of the Governor's Executive Council.

18. That this Council recommends to His Honour the Lieutenant-Governor to submit its opinion to His Excellency the Governor-General in Council that in the Punjab, as suggested in paragraph 224 of the Report, Under-Secretaries should be chosen from among the elected members of the Legislative Council.

19. That this Council recommends to His Honour the Lieutenant-Governor to submit its opinion to His Excellency the Governor-General in Council and to the Franchise Committee that regard being had to the population, area, revenue, important political and geographical position, and historical associations of the Punjab—

- (a) This Province should have a Legislative Council of not less than 100 members of whom $\frac{1}{3}$ should be elected.
- (b) The Governor of this Province should have emoluments and status equal to those of the three Indian Presidencies.
- (c) The Governor should be ordinarily selected from among the public men of the United Kingdom possessing Parliamentary experience.
- (d) In the matter of Constitutional Reforms this Province should be placed on equal footing with the three Presidencies of India.

20. That this Council recommends to His Honour the Lieutenant-Governor to kindly submit its opinion to the Franchise Committee and to His Excellency the Governor-General in Council that in the Punjab every male person, not disabled by minority, insanity, insolvency and criminality, should have the right to vote for election to the Legislative Council provided he falls within any of the following categories:—

- (a) Every Jagirdar or land revenue payer of not less than Rs. 250 per annum.
- (b) Every Income-tax payer.
- (c) Every person who pays a house or land rent of not less than the value of Rs. 600 per annum.
- (d) Every person who owns house property worth Rs. 20,000.
- (e) Every non-student matriculate or person holding a Punjab University Diploma on the Oriental side.
- (f) Every person holding a title or honour conferred by Government and published in the Honours list.
- (g) Every Government Darbari.

21. That this Council recommends to His Honour the Lieutenant-Governor to kindly submit its opinion to His Excellency the Governor-General in Council that the President and Vice-President of the Punjab Legislative Council should be elected by the Council itself.

22. That this Council recommends to His Honour the Lieutenant-Governor to kindly submit its opinion to His Excellency the Governor-General

in Council that the Council should be empowered to frame its own rules of business and rules for putting questions, moving resolutions and discussion of the annual budget.

XX.—The Hon'ble Rao Bahadur Chaudhri Lal Chand will move the following resolutions :—

23. This Council recommends to His Honour the Lieutenant-Governor to suggest to the Franchise Committee and to request the Governor-General in Council to provide that the electorates for rural and urban population in Punjab should be separate and the number of seats allotted to each group should be in proportion to their population.

24. This Council recommends to His Honour the Lieutenant-Governor to suggest to the Franchise Committee and to request the Governor-General in Council that for seats allotted to rural population the candidates should belong to the statutory agricultural tribes of the Province.

XXI.—The Hon'ble Sayad Makhdum Rajan Shah will move the following resolution :—

25. This Council recommends to His Honour the Lieutenant-Governor to suggest to the Franchise Committee and to request the Governor-General in Council to provide that—

- (a) the strength of the Punjab Legislative Council should not be less than 100 ;
- (b) not less than $\frac{4}{5}$ of the Council should be elected and of the remaining $\frac{1}{5}$ to be nominated by the Government, not more than $\frac{1}{2}$ should be officials ;
- (c) the proportion of Muhammadan elected members should be 50 per cent. or at least that fixed by Congress League Scheme.

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 Government House, Lahore, at 10-30 A.M., on Thursday, the 21st November 1918.

PRESENT :

The Hon'ble Mr. HERBERT JOHN MAYNARD, C.S.I., I.C.S., Vice-President, *Presiding*.

The Hon'ble Mr. LEWIS FRENCH, I.C.S.

The Hon'ble Mr. JAMES ALEXANDER RICHBY.

The Hon'ble Mr. OSWALD FARQUHAR LUMSDEN, I.C.S.

The Hon'ble Mr. HENRY DUFFIELD CRAIK, I.C.S.

The Hon'ble Mr. THOMAS PETER ELLIS, I.C.S.

The Hon'ble Pandit JAWAHAR LAL, BHARGAVA.

The Hon'ble Rai Bahadur BAKHSHI SOHAN LAL.

The Hon'ble Diwan Bahadur Diwan DAULAT RAI.

The Hon'ble Khan Sahib Mirza IKRAM ULLAH KHAN.

The Hon'ble Khan Bahadur Khawaja YUSAF SHAH.

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

The Hon'ble Khan Bahadur Sayad MEHDI SHAH.

The Hon'ble Sayad MAKHDUM RAJAN SHAH.

The Hon'ble Khan Bahadur Malik MUHAMMAD AMIN KHAN.

The Hon'ble Sardar Bahadur Sardar GAJJAN SINGH.

The Hon'ble Rao Bahadur Chaudhri LAL CHAND.

The Hon'ble Rai Bahadur RAM SARAN DAS, C.I.E.

The Hon'ble Captain GOPAL SINGH.

The Hon'ble Khan Bahadur Mian FAZL-I-HUSSAIN.

The Hon'ble Mr. Maynard :— " We will resume the discussion of resolution No. 15* in regard to the subjects shown in Illustrative List II of the report. I understand that several Hon'ble Members thought that they would like to deal with this subject this morning after consideration."

The Hon'ble Nawab Sir Bahram Khan asked that proceedings and speeches might be in Urdu to enable those knowing Urdu only to follow the arguments.

The Hon'ble Mr. Maynard :— " What I suggest with regard to Nawab Bahram Khan's remarks is that we should explain in Urdu what we have said in English so that those who have not understood will be able to follow. Of course if any Hon'ble Member would like to address the Council in Urdu or any other vernacular I should be very glad to give the necessary sanction."

The Hon'ble Pandit Jawahar Lal, Bhargava :— " Last evening, Sir, you were pleased to remark, specially with reference to the Excise Department, that if that were to be given over to Ministers, probably the administration of Excise would be a little loose."

The Hon'ble Mr. Maynard :— " Yes, I suggested that that argument might be put forward."

The Hon'ble Pandit Jawahar Lal, Bhargava :— " I submit, I fail to see force in that argument, because the Department can be run as it has always been run, generally speaking, by the officers who are now running the Department, with this exception that Ministers shall have the final say in matters connected with it. I do not know why the fact that the Minister will be an Indian Minister should result in looseness in the working of the Department, and that illicit distillation will be the result. We shall try to the best of our ability to choose a teetotaler as Indian Minister for that portfolio. I have thought over that argument and find it has very little force because we shall have all the officers who are at present working the Department and the Minister will have the final say, and the fact that he is an Indian should not raise any apprehensions that there will be any looseness in that Department."

[*Mr. Maynard ; Khan Bahadur Khawaja Yusuf Shah ; Diwan Bahadur Diwan Daulat Rai ; Khan Bahadur Mian Fazl-i-Hussain.*]

The Hon'ble Mr. Maynard :—" I do not know whether we should take these subjects one by one, or whether, in view of the shortness of time, we should take the opinion of Members on various points on which they feel they have definitely something to say."

The Hon'ble Khan Bahadur Khawaja Yusuf Shah :—" I think the subjects which are mentioned in the Reforms Scheme must be accepted by this Council as an experimental measure."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—" That is a resolution."

The Hon'ble Khan Bahadur Khawaja Yusuf Shah :—" I did not know that was a resolution. I support that resolution."

The Hon'ble Mr. Maynard :—" I think that there is a point that needs to be cleared up about this. I am not quite sure that what the Hon'ble Khawaja Yusuf Shah intends is the same as what is intended by the mover of this resolution. There is a difference between transferring a subject experimentally and transferring it, subject to some future decision which may be arrived at after a commission has sat on this question of Reforms."

" I fancy that the meaning of the mover of this resolution is that the subjects be transferred to Indian Ministers, subject to any alterations which may be made after inquiry by one of these periodic Commissions proposed. Am I right in thinking that that was the intention of the mover of the resolution ?"

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—" Of course, that was my intention."

The Hon'ble Mr. Maynard :—" Now I would ask Khawaja Yusuf Shah whether that is his intention also, or whether he means by experimental transfer a transfer for a stated period and the possible alteration of the arrangements before this Commission has sat."

The Hon'ble Khan Bahadur Khawaja Yusuf Shah :—" Sir, I entirely agree that whatever the Commission decides should of course be taken up, because it is for the Commission to decide which subjects should go direct to the charge of the Government and which subjects should go as an experimental measure under the charge of a Minister and I entirely agree with this proposal."

The Hon'ble Mr. Maynard :—" Do you mean by experimental transfer no transfer unless and until the Commission so decided ?"

The Hon'ble Khan Bahadur Khawaja Yusuf Shah :—" I would certainly postpone the transfer until the Commission decides on it."

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—" There seems to be some misapprehension in the minds of some of the members as regards the object of this resolution. As very clearly explained by the chair, the resolution means that there are two Lists proposed for discussion, so to say by the authors of the scheme. One of those Lists makes mention of the subjects which in the opinion of the illustrious authors of the scheme should not for the present be transferred to Indian control. They call those subjects the Reserved subjects. There is another List No. II which shows the subjects which in the opinion of the authors of the scheme may be transferred to Indian control. The question put forward by this resolution is that in the opinion of the mover, all the subjects mentioned in List II may be transferred to Indian control. That is what I understand the resolution to mean."

The Hon'ble Mr. Maynard :—" Yes, may be transferred to Indian control with of course the proviso that at some subsequent date when the Commission has investigated the subject of reforms there may be a re-transfer. But what I have not understood is whether Khawaja Yusuf Shah proposes merely that these be transferred, subject to the normal procedure provided

[*Diwan Bahadur Diwan Daulat Rai ; Mr. Maynard ; Sardar Bahadur Sardar Gajjan Singh ; Rao Bahadur Chaudhari Lal Chand ; Khan Bahadur Khawaja Yusuf Shah.*]

by the Reforms Scheme, that is to say, the possibility of alteration at some future date, or when he talks of experimental transfer he means something different from that?"

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—"I was going with your permission to add that what we are called upon to do now is to give our opinion which would be submitted to the authorities alongside with the report of the Committee as to what subjects should or should not be transferred to Indian control. So to say at present that we expect the transference of those subjects which the Commission will decide upon is to give no opinion."

The Hon'ble Mr. Maynard :—"I see what the misunderstanding is. You are assuming that some Commission is going to sit at once to deal with the subject. What I am speaking of is the inquiry provided at the end of 7 or 10 years by which the whole of the Reforms Scheme will be reviewed. The possibility of a difference of interpretation of what has been said in the Council lies here. There will be at the end of a certain period, whether 7 or 10 years, at some future time, an inquiry for the purpose of examining the manner in which the Ministers have fulfilled their functions under the scheme and of considering whether there should be some further extension or whether there should be some other change. When I spoke of a Commission I was referring to that future Commission. There is a possibility that certain subjects would be transferred, that they would be transferred absolutely in the sense that there will be no alteration until the time of reconsideration by this Commission at the end of 7 or 10 years. The other possibility is that there should be some sort of experimental transfer. I do not know whether those who speak of experimental transfer mean that there should be reconsideration of the transfer at the end of a period of 7 or 10 years when the Commission sits to review the Reforms Scheme or at some earlier time."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—"It is not clear to me what is meant by this experimental transfer."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—"I will make my meaning clear. My recommendation is that we should decide what subjects are to be transferred and what to be reserved."

The Hon'ble Mr. Maynard :—"Your meaning is perfectly clear. What I do not understand is the experimental transfer."

The Hon'ble Rao Bahadur Chaudhari Lal Chand :—"The whole thing is an experiment. After a certain number of years the Commission will decide whether a subject should be transferred or not. The Hon'ble Khawaja Yusuf Shah means that the subject should not finally be transferred. I want to make it clear to him that there is no finality about the transference of the subjects, because the transference of the subjects is an experiment within the meaning of the Scheme, and that being so the whole Scheme is an experiment."

The Hon'ble Khan Bahadur Khawaja Yusuf Shah :—"My object is that the subjects that have been detailed in the Scheme should, as an experimental measure, be tried for some time as proposed in the Scheme. But what my friend the Hon'ble Daulat Rai says is simply that he wants that certain more subjects should be transferred."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—"No, no other subjects."

The Hon'ble Diwan Bahadur Diwan Daulat Rai explained to Nawab Sir Bahram Khan in Urdu.

The Hon'ble Mr. Maynard (having gone through the List of Subjects and explained them to the Hon'ble Nawab Bahram Khan in Urdu) said :—"Nawab Bahram Khan is in favour of transferring subjects Nos. 2, 3, 4, 5, 6 (but only so far as veterinary is concerned), 7, 12 and 13. I think we may take it that the Nawab has moved an amendment that only those subjects

[*Rai Bahadur Ram Saran Das ; Mr. Maynard ; Diwan Bahadur Diwan Daulat Rai ; Rao Bahadur Chaudhri Lal Chand ; Mr. Ellis ; Pandit Jawahar Lal Bhargava.*]

shall be transferred. We had a resolution that all the subjects in this List shall be transferred. Does any other member wish to make any remarks ? ”

The Hon'ble Rai Bahadur Ram Saran Das :—“ Sir, I should like to add one or two remarks. The importance of a Government is judged by the amount of administrative work it has to do. The larger the number of functions it has to perform, the greater importance is attached to the Government. It is therefore evident that if too few subjects are transferred for administration by the Ministers, the entire Scheme of Constitutional Reforms will lose all its attractiveness, and I fear, the Scheme is then doomed to failure. I agree with the authors of the Reforms Scheme that those subjects should be transferred to the control of Ministers, which require local knowledge, social service, or in which Indians have shown special interest or in which mistakes, though serious, are not irremediable. Those subjects also which require great development, such as Education, Sanitation, or medical Relief, should also be transferred. Judging from what has been demanded in other provinces, the demands of my Hon'ble friend are very modest. Local knowledge in matters of taxation, local self-government, medical relief, sanitation, co-operative credit and excise, is essential. Social service is involved in local self-government, education, medical relief, co-operative credit and charitable endowments. Again, Indians in this province have shown special interest in education, in all its grades, and also in industries. Our education, sanitation, roads and industries need the greatest development. In all these subjects mistakes, even if committed, are not irremediable and not likely to disturb public peace and tranquillity. In my opinion the list put forward by Hon'ble Pandit Jowahir Lal is not sufficient for an advanced province like Punjab. I would therefore like to put Banking Concerns, Land Acquisition, and all Industrial matters also in the list of transferred subjects. I would request the Hon'ble Mover to add these subjects also to the illustrative List II showing transferred subjects. With these words I give a hearty support to the resolution.”

The Hon'ble Mr. Maynard :—“ The question is whether that particular amendment is accepted by the Mover or whether it will be necessary to put it as an amendment.”

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—“ I have no objection to accept that as an amendment.”

The Hon'ble Mr. Maynard :—“ Has anybody else any objection to its being treated as part of the resolution ? ”

The amendment by the Hon'ble Nawab Sir Bahram Khan that subjects Nos. 2, 3, 4, 5, 6 (so far as Veterinary is concerned), 7, 12 and 13 should be transferred was put to the meeting and negatived.

The resolution with the addition proposed by the Hon'ble Rai Ram Saran Das of Banks, Insurance and other Companies, Land Acquisition and Industrial subjects should be transferred was put to the meeting and carried, 11 voting for and 3 against.”

The Hon'ble Rao Bahadur Chaudhri Lal Chand :—“ I hope I am not out of order when I ask that the voting should be recorded on this list.”

The Hon'ble Mr. Ellis :—“ I have recorded it. There are 11 votes for and 3 against.”

The Hon'ble Pandit Jawahar Lal Bhargava :—“ Sir, the resolution No. 12 which I am going to move runs thus :—

“ This Council recommends to His Honour the Lieutenant-Governor to recommend to the Government of India and the Secretary of State for India

[*Pandit Jawahar Lal ; Diwan Bahadur Diwan Pault Rai ; Rai Bahadur Bakhshi Sohan Lal ; Khan Bahadur Mian Fazal-i-Hussain*]

that the Ministers in charge of the transferred subjects proposed in the Scheme of Constitutional Reforms should have perfect equality in status and emoluments with the members of the Executive Councils.

"It is needless to say that all the subjects which the Government has to administer are of paramount interest and importance. Any distinction, therefore, between them on the score of relative importance and complexity of administration is invidious and incomprehensible. One thing, however, is quite clear that immediately future progress and development shall generally take place in regard to transferred subjects. It cannot, therefore, be said with any force that the member in charge of the transferred subjects will not be called upon to discharge the duties of an equally responsible and onerous character.

"Moreover, Sir, it is highly important that the division into subjects shall not be accentuated by any difference of rank or pay of the members in their charge. The transferred subjects shall represent the essentially Indian portion of the Government and any inferiority in the point of status or pay of Indian Ministers will engender the belief in the public mind that the subjects in their charge are of unimportant nature, a result certainly mischievous and unwholesome in the extreme. The gradual growth of responsibility and self-respect alike demand that the transferred subjects should not receive step-motherly treatment and the pay and status of the Ministers should not be less than those of the members of the Executive Council. To signalise, therefore, by unequivocal and unmistakable conduct that the Indian Ministers do really form a part of the Government it is most essential that their status and pay should be on a par with those of the other members of the Executive Council.

"Sir, the discharge of the onerous duties of the Minister would call for the services of the ablest and the best in the land. The future transference of subjects shall also be judged by the success of this experiment so that the Minister must not only use the powers with which he will be invested with credit and success in the transferred subjects but also he must be able to show by his administration of these subjects that he is possessed of powers capable of discharging duties of the Executive Members in charge of reserved subjects in the near future.

"He is thus the pivot of the reform scheme which succeeds or fails as he succeeds or fails. As at present situate it is difficult to say if there is a super-abundance of such men in our midst.

"The ordinary laws of demand and supply would, therefore, suggest, that the emoluments and status of the Ministers should in no case be less than the status and salary of the members of the Executive Council so that really capable men may think it worth their while to accept the post of Ministers. With these words I commend the resolution for acceptance."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—"I strongly support the resolution."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—"Before supporting the resolution it would suffice to say that any distinction between the Ministers and the Executive Members on the above points would lead to the feeling that a Minister holds a post inferior to the Executive Member and that the transferred subjects are of less importance than the reserved subjects. Therefore I support this resolution."

The Hon'ble Khan Bahadur Mian Fazal-i-Hussain :—"I support the resolution."

Khan Bahadur Khawaja Yusuf Shah; Khan Sahib Sayad Mehdi Shah; Rai Bahadur Ram Saran Das; Mr. Maynard; Diwan Bahadur Dulan Daulat Rai; Khan Bahadur Mian Fazl-i-Hussain.

The Hon'ble Khan Bahadur Khawaja Yusuf Shah :—" I also support the resolution."

The Hon'ble Khan Sahib Sayad Mehdi Shah :—" I also support the resolution."

The Hon'ble Rai Bahadur Ram Saran Das and the Hon'ble Malik Mohammad Amin also supported the resolution.

The Hon'ble Mr. Maynard :—" I shall give an argument that might possibly be adduced by some one else in order that I may elicit possible arguments for rebutting that suggestion. It is quite possible that some one may get up and say it is premature to settle what the salary of a functionary should be until you settle what his duties are to be, that is, a Minister may possibly be in charge of one small subject or he may have many subjects. There might be three or four Ministers to deal with different parts of different subjects and one might have some quite small function to discharge. It is just as well to have that possibility before us. Some might object that it was too early to say what the salary was to be until we knew what the work was going to be."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—" This argument, Sir, as it seems to me, has been more than met by the mover of the resolution. If it be the case at any time that the Minister is given charge only of a few subjects it will not be his fault, but the fact is that the status of an Indian Minister should be exactly the same as the status of the members of the Government. Any inferiority either in emoluments or in any other way would absolutely stultify the whole position. If it is found that a particular Minister is not sufficiently engaged, so far as his work is concerned, more work can be given to him, and as matters stand at present I fail to see why Ministers who will be given practically all the transferred subjects or many of them will not be doing quite enough work for the remuneration, which we suggest should be equal to the remuneration of the Executive Member."

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—" The point is an interesting one and although I did not intend to speak on any subject in view of the state of my health, yet the interesting nature of it impels me to say a few words. The point is how can you suggest the pay of an official without knowing the amount of work he is going to do. So far as I can see the criticism would apply to the pay of the member of the Executive Council as well. How are we going to know that half the subjects with which the members of Executive Councils now-a-days deal are not taken away? In that case why should the pay of the member of the Executive Council remain the same as it is at present when as a matter of fact the actual amount of work that he does is reduced by nearly a half?"

The Hon'ble Mr. Maynard explained the matter to the Hon'ble Nawab Sir Bahram Khan who replied that in his opinion the pay of the Minister should depend on the capacity of the Province to pay.

The Hon'ble Mr. Maynard said :—

" You could not offer your member of the Executive Council less than you pay your Financial Commissioner. So I think you will find considerable difficulty in fixing his salary at a very much lower figure than Rs. 5,000. I take it that we have an amendment that the question of salaries should be considered in accordance with the financial conditions of the Province and the subsequent amendment that the status and emoluments of the Indian ministers should be identical with those of the Executive Member of the Council."

The Hon'ble Rai Bahadur Ram Saran Das :—" I think the question of salary does not come before us. This is a question of principle, that both the Ministers and the members of the Executive Council should get the same pay."

[*Rao Bahadur Chaudhari Lal Chand; Mr. Maynard; Pandit
Jawahar Lal Bhargava.*]

The Hon'ble Rao Bahadur Chaudhari Lal Chand :—"If I understood the Nawab correctly, he said just now that the resources and income of the Province should be the consideration in fixing the pay of the member of the Executive Council as well as of the Minister."

The Hon'ble Mr Maynard :—"Then there is really no difference of opinion. I shall put the resolution to the Council.

This Council recommends to His Honour the Lieutenant-Governor to recommend to the Government of India and the Secretary of State for India that the Ministers in charge of the transferred subjects proposed in the scheme of Constitutional Reforms should have perfect equality in status and emoluments with the members of the Executive Council."

The resolution was put and carried.

The Hon'ble Pandit Jawahar Lal Bhargava :—"Sir, the resolution which I now beg to move is as follow :—

"This Council recommends to His Honour the Lieutenant-Governor to suggest to the Government of India and the Secretary of State for India that the idea of appointing additional members without portfolios to the Executive Council of Provinces be dropped."

"The provision of additional members is the outcome of over-cautiousness on the part of the distinguished authors of the report on Constitutional Reforms and is as unnecessary as it is unjustifiable. It overlooks the fact that the Indian member shall be a source of great strength to the Government. The Indian Member whose selection has not been circumscribed to the circle of elected members of Legislative Councils shall ordinarily be a person well versed in Indian affairs and in complete touch with Indian conditions. Moreover the Reform Scheme provides for standing committees. The present-day Executive Councils wherever they exist discharge their functions quite satisfactorily and no necessity has ever been felt to add to their number. The Governors in Bombay and Madras have generally been without any official experience. All the same they have never been blamed for such mistakes as would not recur by the inclusion of additional members."

"The additional members are apt to become permanent consulting officers."

"Moreover as the class from which such members shall be recruited represents pure officialism, it will hardly conduce to the development of responsibility and independence of the Indian member of the Executive Council and the Ministers.

"In practice ordinarily the Indian member will shrink into insignificance and he will be more inclined to accept the advice of three experienced high-placed officials than do anything of his own free will and the indirect effect of this preponderance of official representation in the Executive Council of Government will be to nip in the bud all initiative and influence of the Indian Member of the Council and the Ministers.

"Moreover this power of directing and guiding without imposing responsibility on the additional members does not by its very nature solemnize the advice of these members. The absence of vote and consequently of responsibility would place the additional members in a very advantageous position and pave the way for exacting obedience from the rest of the Council in case the not following of their advice entailed untoward consequences in some instances.

"Excessive official bureaucratic representation is sought to be curtailed by transferring certain subjects to popular control, but this institution of additional members without portfolios will in my opinion have the contrary effect

[*Rai Bahadur Bakhshi Sohan Lal ; Diwan Bahadur Diwan Daulat Rai ; Khan Bahadur Mian Fazl-i-Hussain ; Mr. Maynard.*]

and will unduly hamper the growth of experience and development of these traits of character which are sought to be attained, thus frustrating the very object of the Reforms."

"As recognised in paragraph 220 of the report, every officer of the Government can be consulted at pleasure and full advantage of his sagacious advice and experience can be taken by the Council and the Government without constituting these officers additional members. In my opinion, therefore, there should be no additional members without portfolios in the Provincial Executive Government."

"With these words I move the resolution for acceptance by the Council and His Honour the Lieutenant-Governor."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal : "Sir, in seconding this resolution I have simply to add that there being no constitutional precedent for the suggestion to appoint additional members without portfolios and it being quite inconsistent with the principle of responsible Government I second the resolution and say that no member without a portfolio should be appointed."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—"Sir, I also support the resolution and all that I have to say in this connection is that I do not anticipate any useful result from the proposal regarding additional members without portfolios. As the authors of the Report themselves have said it is always open to a Governor to consult any officer he likes, and I fail to see why the quality of a man's advice should vary with the change of official designation and status. With these remarks I beg to support the resolution."

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain also supported the resolution.

The Hon'ble Mr. Maynard :—"I wonder if I might, as on former occasions, play a certain part in this discussion without putting forward my own views but simply saying what somebody else might think. I think there is a particular name for that part. The person who does it is sometimes called the "devil's advocate." However that may be, I would suggest one reason which you might like to rebut. A good many people might say something of this sort. Particularly at the start the Ministers who would be appointed must inevitably be lacking in experience of details of administration and it would be rather a convenient thing for them to have somebody to whom they could turn and who would turn to them and say 'you are making this proposal, have you thought of such and such a thing' and they would say, 'yes, we have thought of that.' They would not be bound necessarily to act upon the suggestions put forward, but it might be rather a convenient thing to have somebody who had had 25 years or more of administrative experience at hand to make suggestions. Possibly they might not come to anything. Possibly the Ministers might say that is not a matter which should stand in our way. If that is so, the member without portfolio would simply have to accept the decision. That is just a suggestion which I throw out for the consideration of Hon'ble Members."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—"Sir, with regard to this point, I presume that the Indian Minister whenever he feels some difficulty about any proposition or when he feels that some further light should be thrown on a particular subject under consideration he is quite at liberty to consult any of the officers of the Government. I do not see why he should not be able to do so and get the same advantages as are supposed to lie in the proposition that has just been enunciated. That is to say a member without portfolio would be useful. So if an Indian Minister can always consult the experience to hand belonging to the official class I do not see why there should be a Minister without portfolio."

[*Mr. Maynard ; Diwan Bahadur Diwan Daulat Rai ; Khan Bahadur Mian Fazl-i-Hussain ; Rai Bahadur Ram Saran Das ; Pandit Jawahar Lal, Bhargava.*]

The Hon'ble Mr. Maynard :—“ Of course the only distinction would be this, that in one case you would have this man always attached to the Ministry and always at hand. In the other case it might be necessary to write out and get the opinions—which is a very different thing to talking to a man face to face.”

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—“ That is right, but if there is such an important point as requires talking over the Minister will be in a position to ask a man over to come and give him an interview. If it is absolutely necessary to talk over the matter that can be arranged and at the headquarters where I presume the Ministers will be the high officials of experience will always be available.”

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—“ I presume the Ministers without portfolios will meet the Ministers with portfolios in the Executive Council. That is what the Reforms Scheme says. In any case the Ministers will have the members of the Executive Council there to give them the help of their mature experience.”

The Hon'ble Mr. Maynard explained the matter to Nawab Sir Bahram Khan.”

The Hon'ble Rai Bahadur Ram Saran Das :—“ I also give my support to the resolution.”

The resolution was put to the Council and agreed to.

The Hon'ble Pandit Jawahar Lal, Bhargava :— Sir, the resolution which I move runs thus :—“ This Council recommends to His Honour the Lieutenant-Governor to represent to the Government of India and the Secretary of State for India that the proposal to constitute the Grand Committee in the Provincial Legislature be abandoned and to provide instead that in cases of legislation on reserved subjects the Bill may be passed into law if $\frac{2}{3}$ ths of the members of the Council vote in favour of the Bill. If, however, the proposal is not dropped, the Grand Committee should consist of elected and nominated members in equal number and out of the latter not more than $\frac{1}{3}$ rds should be officials.

“ Sir, while realising that the legislation on reserved subjects should for the present be secured by some sort of guarantee or safeguard, I am quite clear that the institution of Grand Committees is one which should not be adopted to attain this object.

“ In fact the basis of the assumption that special legislature is required for a reserved subject is that in case the popular members and the Government do not see eye to eye with regard to certain measures which the latter considers necessary in the interests of law and order successful opposition may be taken out of the power of the popular members. But what I contend is that in the Punjab where co-operation with the Government is the distinctive feature of the people, such a contingency is not likely to arise; but should it ever arise the institution of the Grand Committee is to my mind not a right cure for it.

“ Such a contingency can only spring up when a measure is extremely unpopular. No Governor would think it expedient to launch a legislation so widely opposed by the public; nor do the broad principles of self-determination and policy justify that in the teeth of such opposition a measure should be passed into law.

“ When it is remembered that all the reserved subjects are in course of time to be entrusted to popular control and gradually the Government is to become responsible to the people the institution of Grand Committee is at best a penultimate measure destined to live till the consummation of complete

[*Pandit Jawahar Lal, Bhargava.*]

transference of the reserved subjects to popular control. It cannot be gain-said that this institution will serve no useful purpose except retarding the natural growth of experience and responsibility in the ordinary legislatures.

"All the subjects with which Government has to deal are of paramount importance to the people. The reserved subjects are no doubt essential and relate to the very existence of civilised Government, but it will be idle to contend that the transferred subjects are not important or that any Government worth the name can ignore them. The functions of the Government are in fact indivisible and the Governor shall be responsible not a whit less for the due administration and control of the transferred subjects than for reserved subjects.

"Any fundamental differential treatment of the subject would prove very injurious to the interests of the subjects treated differently. It is of the highest importance therefore that so far as possible the subjects should stand on the same level.

"When ultimately, as stated above, the ordinary Legislature is to have charge of all subjects it is quite necessary that the Legislatures be trained and possess experience of dealing with reserved subjects.

"I would therefore urge that the ordinary Legislature be regarded competent to deal with all subjects and that the institution of special legislature for a special subject be not allowed to be established. No inferiority of genus should be allowed to attach to the transferred subjects.

"It is an asset of high value that people should think from the very beginning that they are competent to elect representatives to deal with all subjects.

"I do not think it worth emphasising as stated in the report that if the Government cannot secure even a particular number of popular votes in support of a particular measure it is not wise to proceed with that measure. I would therefore propose that to provide for passage of legislation on reserved subjects the machinery of legislation be not changed, but the change may be effected in the velocity of movement. Inexperience, want of foresightedness or perchance selfishness may actuate a bare majority to oppose a measure which the Government in its wisdom may consider necessary in the public interests. For such a case a provision like this that if $\frac{2}{3}$ ths of the members vote in support of the measure it may be considered to have been passed would amply meet the situation. To illustrate my point, suppose there are 100 members in the Punjab Legislative Councils as several Hon'ble Members are proposing, and suppose $\frac{1}{3}$ ths out of the same are to be elected ones and the rest nominated, including both officials and non-officials. If the nominated seats are shared equally between the officials and the non-officials the situation becomes this—

- 10 officials.
- 10 non-officials (nominated).
- 80 elected.

"If the Government can secure 40 members on its side it can have the measure passed into law which ordinarily will not be difficult to secure.

The Government will practically have to secure the votes of only $\frac{1}{3}$ th of the elected members in case its non-official nominees are on its side and $\frac{1}{3}$ rd out of the non-officials elected and nominated members if all the non-officials go against the Government. I fix this percentage as the minimum of public support which every measure from the outset should be able to command in reference to reserved subjects. Short of it I think no measure should

[*Sardar Bahadur Sardar Gajjan Singh ; Rai Bahadur Ram Saran Das ; Captain Gopal Singh ; Nawab Sir Behram Khan ; Mr. Maynard ; Rao Bahadur Chaudhri Lal Chand ; Mr. Lumsden.*]

be passed into law. This plan, if adopted, claims the merit of at once providing for passage of legislation on reserved subjects and acting as a sort of restraint upon the Government and a concession in favour of the people. All the defects of the special legislature will thereby be avoided and the ordinary legislature will be gradually trained for the discharge of their ultimate duties. If however the Grand Committees are to be provided for I am of opinion that the elected and nominated members should be in equal number and out of the latter not more than two-thirds should be officials.

With these words I move the resolution."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—" Sir, I regret very much that I am entirely unable to support the resolution moved by my Hon'ble friend. The question no doubt is difficult and complicated but at the same time, as has been recognised by the Hon'ble Mover, there should be some safeguards left to the Executive Government to enable them to pass laws whenever they find that the full assembly does not support them. Such questions, it is quite possible or rather probable, will be very rare but they are not impossible. Therefore it is absolutely necessary that provision should be made which will enable the Executive Government to enact laws suitable for those occasions in order to discharge their responsibility with reference to peace, order and good Government. Therefore although the question is full of difficulties, I think the scheme proposed by the distinguished authors, as contained in paragraph 252 of the Reform Scheme, is one that should be accepted, that the system of the Grand Committees as laid down in paragraph 252 should be approved by this Council. For this reason I am sorry I cannot see eye to eye with my friend."

The Hon'ble Rai Bahadur Ram Saran Das :—" Sir, I would not support the first two alternatives put forward by the Hon'ble Pandit Jawahir Lal in part III of resolution 14. When we accept the bifurcation scheme of transferred and reserved subjects, and responsibility of Ministers is recognised in transferred subjects, it is but fair that we should allow the Government to have responsibility in reserved subjects. The scheme does not contemplate the grant of responsibility in reserved subjects. This we have to accept in order to have responsible Government in stages. The constitution of Grand Committees only maintains the *status quo* in reserved subjects. I think we need not quarrel on this point, and only insist on what Pandit Jawahir Lal has asked in the last alternative of part III of his resolution."

The Hon'ble Captain Gopal Singh :—" I oppose the resolution and support the scheme as laid down."

The Hon'ble Nawab Sir Behram Khan speaking in Urdu opposed the resolution on the ground that if Government had no majority in Council the Grand Committee scheme must necessarily be retained.

The Hon'ble Mr. Maynard :—" I think the Hon'ble Members of Council will probably agree with me that it is a fair statement of the Nawab's position that what he means is that if there is not a Government majority in the Legislative Council then he is of opinion that the Grand Committee procedure should be retained."

The Hon'ble Rao Bahadur Chaudhri Lal Chand :—" Without at all admitting our inferiority to other Provinces as Bombay and Madras on which so much stress has been laid by the Nawab I oppose the resolution and am in favour of the proposal contained in the scheme."

The Hon'ble Mr. Lumsden :—" I would just point one objection to the first part of the resolution which has not been realised by the Hon'ble Mover. His aim which is the expedient of giving Government power to secure legisla-

[*Khan Sahib Khawaja Yusuf Shah ; Sayad Mehdi Shah ; Mr. Maynard ; Rai Bahadur Bakhshi Sohan Lal.*]

tion by specified minority is entirely without precedent and entirely opposed to all constitutional reforms. There are cases in America where a specified majority is required to pass legislation but there is, so far as I know, in no civilised country in the world any provision by which a specified minority can pass legislation."

The Hon'ble Khan Sahib Khawaja Yusuf Shah :—"Sir, for the reasons just mentioned by the Hon'ble Sardar Gajjan Singh I oppose the resolution."

The Hon'ble Sayad Mehdi Shah :—"I oppose the resolution."

The Hon'ble Mr. Maynard :—"I shall first put the first part of the resolution to the Council, namely : This Council recommends to His Honour the Lieutenant-Governor to represent to the Government of India and the Secretary of State for India that the proposal to constitute the Grand Committee in the Provincial Legislature be abandoned, and to provide instead that in cases of legislation on reserved subjects the Bill may be passed into law if two-fifths of the Members of the Council vote in favour of the Bill."

The resolution was put and rejected.

The Hon'ble Mr. Maynard :—"I shall now put the second part of the resolution to the Council. If, however, the proposal is not dropped, the Grand Committee should consist of elected and nominated members in equal number, and out of the latter not more than two-thirds should be officials."

The motion was put and carried.

The Hon'ble Mr. Maynard :—"There is a portion of the Hon'ble Mr. Sohan Lal's resolution No. 17 which may be called of a general character but on which we have not yet had any decision. It suggests that the number of Ministers should be three. I have got a little suggestion to make which might be met in the course of your arguments. I think there is a certain plausibility at all events attaching to the argument that until we see precisely what the work is to be it would be premature to say that there must be three men to do it. There may not be sufficient work and you might find that there really was not enough work for three. I think from my knowledge of work in the Punjab that there may not be work for three."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—"Sir, it having been resolved in to-day's meeting, that all the subjects given in the Illustrative List II appended to the report on Indian Constitutional Reforms be transferred to the charge of the Ministers, it becomes absolutely necessary that the number of Ministers should be such as may be able to carry on the responsible duties of all those departments efficiently. The list among other subjects includes Local Self-Government, Education, Medical and Sanitary, Public Works, Excise, Forest, Co-operative Credit, and last but not the least, Industries. It will be quite impossible for one or even two Ministers to deal with all these subjects adequately. The growing needs of the times, require much more time and attention being given to Education and to the development of Local Industries; and these two subjects alone will take a good deal of the time of one of such Ministers. It may perhaps be urged that on ground of economy the number of Ministers should be kept low. It would suffice to say that such economy cannot and should not be secured at the expense of efficiency. Lastly, if it is desired to establish real and responsible Government as regards transferred subjects, I would strongly urge that the number of Ministers should not be kept so low as to overburden the Ministers in their responsible duties. As to the question of the pay and status of the Ministers it would suffice to say that any distinction between the Ministers and Executive Members on the above points would only lead to a feeling that the Minister holds an office inferior to that of the Executive Councillor and that the transferred

*Diwan Bahadur Diwan Daulat Rai ; Mr. Maynard ; Rai Bahadur Bakhshi
Sohan Lal ; Mr. Richey ; Mr. French ; Khan Bahadur Mian
Fazl-i-Hussain.*

subjects in-charge of the Minister are of less importance than the reserved subjects dealt with by the Executive Councillor.

"For the above reasons I have the honour to move the following resolution :—

"That this Council recommends to His Honour the Lieutenant-Governor to submit its opinion to His Excellency the Governor-General in Council that the number of Ministers as proposed to be appointed under Reform Scheme should be at least three in the Punjab and that their status, privileges and emoluments should be the same as those of the Members of the Governor's Executive Council."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—"Is the Hon'ble Member in order in dividing the duties of members."

The Hon'ble Mr. Maynard.—"I think he might explain the divisions which he has proposed."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal.—"If there is no business I am quite prepared to admit that there is no need for even one Minister and if the work is only sufficient for two, not more than two may be appointed, but having regard to the resolution which has just been passed I respectfully submit that a number less than three will not be able to do the work efficiently."

The Hon'ble Diwan Bahadur Diwan Daulat Rai.—"May I inform the chair that my Hon'ble friend Bakhshi Sohan Lal agrees to an amendment to this effect that the number of Ministers proposed to be appointed under the Reforms Scheme should be at least two for the present in the Punjab."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal.—"Of course if the work is too much three can be appointed. I need not add anything more to that, but it may perhaps be urged that on the ground of economy the number of Ministers should be kept low. But it will suffice to say that such economy should not be insisted on if it is not accompanied by efficiency, but as the matter has not yet been put to the trial I am quite agreeable to say that two Ministers for the present should be appointed."

The Hon'ble Mr. Maynard.—"I should like to remove one misapprehension. I think it would be a pity that we should go on without realising what the real position is. It seems to me that the Hon'ble Member took it for granted that the Ministers were going to take the place of what we call at present the Heads of Departments and that there would no longer be a Financial Commissioner, etc. As a matter of fact, the whole of that machinery would remain. It is only a question whether it would be controlled by the Lieutenant-Governor alone or whether it is to be controlled by that agency plus a certain number of Ministers. At present the Lieutenant-Governor (one man) does it all, but of course he does not attempt to do the work of the Heads of the Departments. He is simply the controlling and supreme authority."

The Hon'ble Mr. Richey.—"I should like the Hon'ble Mr. Sohan Lal to give us that list of subjects which he was dividing."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal.—"Of course I shall have to withdraw that list now that I have changed the resolution to two Ministers instead of three."

The Hon'ble Mr. French.—"May I ask if one Minister could do all the works, does the Hon'ble Member still propose three?"

The Hon'ble Bakhshi Sohan Lal :—"No."

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain.—"It is obvious that we cannot fix the minimum number. We cannot possibly do it because we do not

*Rai Bahadur Bakhshi Sohan Lal ; Khan Bahadur Mian Fazl-i-Hussain ;
Pandit Jawahar Lal, Bhargava .]*

know the number of subjects that are going to be transferred to popular control, but just to keep the resolution existing it might be possible to fix the maximum and then change the words "at least" to "not more than." That would be possible inasmuch as if only a very few subjects are transferred the resolution will be accepted, and if only one Minister is appointed. If more are transferred two Ministers can be appointed and if a very large number of subjects are transferred then of course three might be appointed. If Bakhshi Sahib will look at the matter in that way, the difficulty might be got over ; otherwise I feel that a number of us will not be in a position to vote in favour of the resolution inasmuch as it fixes the minimum of three."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal.—"I have amended the resolution to two Ministers."

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain.—"Even so, although we have stated these subjects should be transferred we have no guarantee that they will be transferred. Therefore why fix the minimum ? Why not fix the maximum ? We have heard a good deal about Ministers and their functions and there is no doubt a misapprehension in the minds of people that this means a large amount of work and that the Ministers are going to inspect Primary Schools and things of that kind. But that is not so. So keeping in view the question of finance it would be advisable not to constitute a very expensive machinery, even if that machinery is to be national Ministers. I make that suggestion, and failing that, I oppose the amendment."

The Hon'ble Pandit Jawahar Lal, Bhargava.—"In order to make ourselves consistent with what we have already adopted, I would suggest that the resolution should be put in such a form that if all the subjects given in Illustrative List II are transferred then the number of Ministers should be at least two, because we have already passed that resolution."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal.—"I agree to that that if all the subjects given in Illustrative List II are transferred then the number of Ministers should be not less than two."

The resolution was put to the Council and agreed to as follows :—

"That this Council recommends to His Honour the Lieutenant-Governor to submit its opinion to the Governor-General in Council that the number of Ministers as proposed to be appointed under the Reform Scheme should be at least two in the Punjab."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal.—"Sir, I beg to move the following resolution :—

"That this Council recommends to His Honour the Lieutenant-Governor to submit its opinion to His Excellency the Governor-General in Council that in the Punjab, as suggested in paragraph 224 of the Report, Under-Secretaries should be chosen from among the elected members of the Legislative Council."

"Paragraph 224 of the Report on Indian Constitutional Reforms recommends the appointment of Under-Secretaries for the purpose of assisting the Members of the Executive Council, the persons so appointed being members of the Legislative Council, but it does not consider it necessary to select such Under-Secretaries from the elected members. The Ministers according to paragraph 218 of the report being always chosen from the elected members, I submit that if it be provided that an Under-Secretary to the Executive Council (when required), would be chosen from the elected members, such Under-Secretaries, after the training and experience of the official work, would be more qualified for the responsible duties of the Ministers than other electe d

[*Sardar Bahadur Sardar Gajjan Singh; Captain Gopal Singh; Mr. Maynard; Rai Bahadur Bakhshi Sohan Lal.*]

members who had never worked in that capacity. Besides this the Legislative Council will have some connection with the Executive Council through the link of one or two of its members acting as Under-Secretaries to the Executive Council."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—" In my opinion, Sir, the provisions made by the learned authors of the report ought to be accepted. Therefore I oppose this resolution. In paragraph 224 it is stated that it is not necessary to elect the members, but an Under-Secretary may be chosen from amongst the nominated members. He will be nominated from amongst the non-official members. So there is no harm in that. I think the recommendation as it stands in the report should be accepted."

The Hon'ble Captain Gopal Singh :—" I support the scheme as laid down."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—" We do not debar the elected members."

The Hon'ble Mr. Maynard :—" Might I draw attention to the fact that it is very likely that among the nominated members will be included the representatives of some rather small minorities who could not return an elected member; that one might by excluding the nominated members be excluding possibly the appointment of some very capable person who belonged to a small minority."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—" But according to paragraph 215, Ministers will be taken from elected members and not from nominated members. One of the reasons is that an elected member who has acted as an Under-Secretary will have had an opportunity of qualifying himself for the post of Minister better than if the Under-Secretary is appointed from among the nominated members."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—" I say nothing as regards the appointment of Ministers. They will no doubt be selected from among the elected members but we all know that minorities will only be represented by nomination. Therefore if this resolution is adopted they will always be debarred from being taken by the Government as Under-Secretaries. There is nothing wrong in the proposal that Ministers should be taken from among elected members and Secretaries taken from among elected and nominated members."

The Hon'ble Mr. Maynard :—" One thing has crossed my mind and that is that we do not know the principles on which the constituencies for the representation of particular communities will be adopted. It is conceivable that in the long run perhaps even such a great community as the Sikhs might not be fully represented by means of election. It might be necessary to nominate more members in order to make up the full number. It is a possibility."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—" I think we are all aware that in the present scheme we have been allowed representation on communal lines, but still it is possible that we might not be able to elect sufficient members and some of us might come in through nomination, as might others from other communities."

The resolution was then put to the Council and carried by voices.

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—" Sir I beg to move the resolution.

"That this Council recommends to His Honour the Lieutenant-Governor to kindly submit its opinion to His Excellency the Governor-General in Council

[*Rai Bahadur Ram Saran Das ; Mr. Ellis ; Mr. Maynard ; Sardar Bahadur Sardar Gajjan Singh ; Diwan Bahadur Diwan Daulat Rai ; Rai Bahadur Bakhshi Sohan Lal ; Khan Bahadur Khwaja Yusuf Shah ; Khan Bahadur Mian Fazl-i-Hussain .*]

that the President and Vice-President of the Punjab Legislative Council should be elected by the Council itself.

" With the division of the subjects into reserved and transferred, and the Provincial Legislative Council and its Ministers being put in-charge of the transferred subjects while the Governor and the Executive Council remain in-charge of the reserved subjects it becomes absolutely necessary that the Legislative Council should elect its President and Vice-President; in accordance with the principle underlying all responsible Governments and of all the assemblies that their President must be one of them.

The Hon'ble Rai Bahadur Ram Saran Das :—" Sir, I would not support this proposal which seeks to have elected Presidents and Vice-Presidents. The new and enlarged councils under the Reforms Scheme must take some time before they are sufficiently trained to conduct meetings according to strict rules of precedent. During this period of training it would be unwise to dispose of the guidance of official Presidents. I would, therefore, keep on these officers at least for the present."

The Hon'ble Mr. Ellis :—" Does the Hon'ble Mover mean they should be elected for each Council, or for life, or for a term of years ?"

The Hon'ble Mr. Maynard :—" I think one would regard that as a matter which would be subordinate to the main issue whether he should be of official status and whether he should be elected. I propose to treat that as a subordinate question, the primary question being whether he should be an official as at present, or elected by the Council."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—" I am going to suggest a compromise and that is that in the beginning we should have an official President and an elected Vice-President. That will enable the members of Council to get into training and learn the work of guiding and controlling the meeting, and that the President himself should always be the Governor. In his absence the Vice-President might be elected from amongst the elected members for the time being. Therefore I suggest this as a compromise."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—" May I suggest that this might meet the Hon'ble Member ' that this Council thinks that the President for the present should be the Governor and the Vice-President should be elected by the Council itself. "

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—" I accept the amendment suggested by the Hon'ble Sardar Gajjan Singh, and I agree that the resolution be changed as suggested."

The Hon'ble Khan Bahadur Khawaja Yusuf Shah :—" The object is simply to get one Vice-President from among the members of the Council. So I do not think we should say it should be from the elected members. It should be from the members of the Council."

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—" I think that might be accepted."

The Hon'ble Mr. Maynard :—" I understand there is an objection on the part of Khawaja Yusuf Shah to the insertion of the words " elected members. " That objection is supported by Mr. Fazl-i-Hussain."

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—" I do not support that, but I admit its validity and I say it is quite immaterial. There is bound to be a large majority of elected members, and they are not likely to be so unselfish as to appoint a nominated member."

[*Sardar Bahadur Sardar Gajjan Singh ; Rai Bahadur Ram Saran Das ;
Khan Bahadur Mian Fazl-i-Hussain.*]

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—“ My position is that the President should be an official and the Vice-President a non-official.”

The Hon'ble Rai Bahadur Ram Saran Das :—“ Sir, I notice that in the Imperial Council the President only attends meetings occasionally. Generally the Vice-President conducts the proceedings and I conceive that a similar arrangement is likely to be followed in the Punjab Council. I, therefore, urge my amendment. It is that both President and Vice-President should be officials.”

The Hon'ble Rai Bahadur Ram Saran Das' amendment that the President and the Vice-President should be nominated as provided in the scheme of reforms was put to the Council and negatived. The resolution as amended was put to the Council and agreed to as follows :—

“ That this Council recommends to His Honour the Lieutenant-Governor to kindly submit its opinion to His Excellency the Governor-General in Council that the President for the present be the Governor and the Vice-President of the Punjab Legislative Council should be elected by the Council itself.”

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—“ On behalf of the Hon'ble Sayad Rajan Shah I beg to move the following resolution :—

“ This Council recommends to His Honour the Lieutenant-Governor to suggest to the Franchise Committee and to request the Governor-General in Council to provide that—

- (a) the strength of the Punjab Legislative Council should not be less than 100 ;
- (b) not less than four-fifths of the Council should be elected and of the remaining one-fifth to be nominated by the Government, not more than one-half should be officials.”

“ I have to say a few words as to the strength of the Council and its constitution. Yesterday I believe this Council has passed a resolution to the effect that the status of the Punjab, so far as this Reforms Scheme is concerned, should not be in any way behind the status and position of the three Presidencies and the United Provinces. Now it is often said that you cannot claim a very large number of representatives because of your population. How can you expect to have the same number of councillors in the Punjab with its population of less than half of what it is in Bengal? On the face of it this argument appears to be sound, but I will presently show that it is fallacious and at all events it is not adhered to by the Government of India in fixing the number of representatives for the various provinces. I understand that the population of this province is practically on a par with that of the Bombay Presidency, and we see that the Bombay Presidency is given the same number of councillors as the province of Bengal. So it would appear that at all events population is not the determining factor in the allotment of the number of representatives which are allotted to represent a particular province. Then one naturally expects that possibly money has got something to do with it. Is it because the Punjab is not so wealthy, not so rich that the number of representatives as compared with other provinces is small? Now so far as the question of money is concerned again it is, as in the case of population, recognised that we are not as wealthy as Bengal or as Bombay, but we are not so very badly off as compared with Madras. Even if we are in the case of making money worse off than Madras, are we not better off than Madras in the matter of political capacity in sacrificing money? I claim that in the two war loans the contributions of the

[*Khan Bahadur Mian Fazl-i-Hussain.*]

Punjab were third throughout India. That again shows political capacity. So on the score of population, on the score of area, on the score of wealth, surely representatives are not allotted to the different provinces in India. Neither population, nor wealth, nor area count. Then one naturally hears the usual expression 'political advancement.' Now, Sir, I venture to assert that that beautiful phrase 'political advancement' has never yet been defined and I wonder whether it has been understood by two individuals in the same sense. What does 'political advancement' mean? Does it mean the willingness on the part of the people to bear the burdens of administration, that is to say, to pay taxes willingly in order to carry on the efficient administration and in the case of serious disturbances to show willingness to redress them and in the case of aggression from outside to be ready to repel any enemy? If that is so, I claim that the Punjab stands foremost and is politically more advanced than any other province of India. If, on the other hand, some misguided people understand 'political advancement' to mean talking a great deal about politics and going further and taking absolutely illegal steps in order to secure their foolish ideals and in other ways to having recourse to anarchical methods and things of that description, one has only to refer to the Rowlatt Committee's Report to see that Bengal leads all provinces in that direction. But even there considering the wretched Conspiracy Trial that we have had here, the Punjab does not come last either. So I really do not see whether we take these foolish tests, or whether we take the sensible test, that the Punjab in any way can be said to attain a position lower than second or third throughout India whichever test you apply. Therefore my contention is that when the case of the representation on the Legislative Council is concerned, the strength of the Punjab ought not to be behind other provinces and I understand that all provinces have claimed for not less than 100 members. So far about part (a) of my resolution. As to part (b) it is conceded in the report that there should be a 'substantial majority,' again a beautifully vague expression. It has been considered by Indians who have devoted some thought to these problems that knowing the constitution of the present Council four-fifths is a safe majority of elected members to enable them to assert themselves and that inasmuch as our official members are there as informals, nothing is to be gained by taking away their time from their official duties if it can be helped, and therefore the suggestion is that their strength should not exceed one-half of this. So we realise that it is necessary for minorities to be adequately represented, but we hope and trust that representation accorded to minorities will be accorded, as far as possible, by way of election. So that they may even from now begin their political education without delay. If the Sikh community is to have representation let them have that representation by way of election and not by way of nomination. Similarly they have other important interests—commercial interests, educational interests, let those also be represented through the machinery of election. The reason why we are so persistent about the method of returning these members is that when in any particular institution there are different members working as colleagues it is necessary for the sake of co-operation that the systems which have led them to come into the Legislative Council should be more or less the same. Not that I mean that nominated members—our colleagues—do not have the same ideals as we possess; but simply this that the mere fact of a different machinery having been adopted for returning them does create a certain feeling of estrangement between them which of course ordinarily should not exist but which does exist. Therefore we attach a good deal of importance to this that the number of elected members should be very large and should make provisions for minorities. But if there are certain minorities which must be represented by nomination then of course they come in as shareholders to the extent of one-half of the 20 per cent. which is left out. With these words I commend this resolution to the Council."

[*Rai Bahadur Bakhshi Sohan Lal.*]

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—“ Sir, in view of the discussion which took place last evening and this morning on my friend the Hon'ble Pandit Jawahir Lal's resolutions that in the matter of constitutional reforms the Punjab should be placed on an equal footing with the three Presidencies and the United Provinces, and that all the subjects given in Illustrative List No. II appended to the Report on Constitutional Reforms be transferred to the Punjab Legislative Council, I believe long speeches are not required to establish the fact that the Reformed Council should consist of not less than 100 members, of whom four-fifths should be elected. For a Province with a population of 20 millions, 100 seats in the Council is not at all an extravagant demand. At this stage of human progress, is there any part of the civilised world where the selection of one representative for every 2½ lakhs of the population will be looked upon as anything but a very moderate demand? Even in Oriental countries, where representative Government exists, *e.g.*, in Japan, China, Persia, Siam, the Philippines and Turkey, I believe much larger representation is given to the people, in the legislatures, than what the Hon'ble Mover is now asking for. To take the case of the British Dominions, is the Punjab behind what Canada was in the seventies of the last century, when a more far-reaching measure of representation was granted to that Dominion, than we are now, 50 years later, asking for the Punjab? Was literacy greater in England preceding to the year 1832 when the Reform Bill was introduced? Are we not entitled to a fiftieth part of the representation granted to South Africans, about a decade back, peopled as it is populated by far more diverse races and nationalities than India is or has ever been?

“ This Province has only eleven representatives now for 20 millions of the population. His Excellency the Viceroy and the Right Hon'ble the Secretary of State have recognised that the present arrangements about popular representation are exceedingly unsatisfactory and must be put a stop to at once. Our position at present is merely advisory. The distinguished authors of the report are of opinion that this is unsatisfactory and the people should have a share in the actual work of administration and deliberation. They have suggested certain subjects to be transferred to the full control of the legislature; and at this morning meeting this Council has resolved that the whole List II of such subjects given in Appendix 2 should be under popular control. I contend that a Legislative Council of 50 or 60 members would be too small and unrepresentative a body to which matters of such vast importance should be made over. Further, the interests of the population are so diverse and varied that it would be in my opinion unwise to keep the number low. Let every important class and every important interest be adequately represented in the new Council. It may possibly be urged that if a less populated Province like the Punjab is going to have 80 elected members the number of Councillors should be far more for the more thickly populated Provinces. I believe the Legislative Councils in the bigger Provinces are asking for larger Councils, but the questions of area, diversity of population, historical associations and important political and geographical position of the Punjab should also carry due weight. It is hardly 70 years ago when this Province was entirely governed by sons of the soil. The martial and administrative instincts of that time still endure and the Punjabi, wherever he goes, distinguishes himself for valour, manliness and administrative skill.

“ Now a word regarding the question of revenue: the railways of the Punjab, its salt mines and its irrigated lands bring far more revenue to the State than is the case in other Provinces. Per head of population, this Province contributes more to the Exchequer than any other part of the country. Naturally, therefore, we look out for greater rights and privileges. Should not this Province, I enquire of the Members of this Council, which is justly styled the sword-hand of India, and which feeds the teeming millions inside and outside this continent with her wheat and other grain, contributes far more to national

[*Mr. Maynard ; Rai Bahadur Bakhshi Sohan Lal ; Pandit Jawahar Lal, Bhargava ; Khan Sahib Mirza Muhammad Ikram Ullah Khan ; Diwan Bahadur Diwan Daulat Rai ; Khan Bahadur Khawaja Yusuf Shah ; Nawab Sir Bahram Khan ; Khan Bahadur Mian Fazl-i-Hussain.*]

wealth than other Provinces do, the land whose sons are now as ever fighting the Empire's battles far and near, whose engineers, public workers, medical men and trades-men have spread over not only the continent of India but in such far off countries as Mesopotamia, Afghanistan, Persia, Turkistan, Siam, Malay States, China and certain parts of Africa and America, does not such Province deserve a Legislative Council of 80 elected members? As to why the proportion of elected members should be 3/4ths, I have only to urge that if the people's wishes have to be carried out, the people's representatives must enjoy unmitigable majority. Every community and every interest in the Province is now strong enough to safeguard its own interests, and must be represented in the Council.

"For the above reasons I have the honour to support the resolution moved by my friend the Hon'ble Khan Bahadur Mian Fazal-i-Husain."

The Hon'ble Mr. Maynard :—"Do you support that part of the resolution that only one-half should be nominated?"

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—"Yes, I support that."

The Hon'ble Pandit Jawahar Lal. Bhargava.—"Yesterday when I moved the resolution that the Punjab should be placed on an equal footing with the Presidencies, the question of the number of members was also considered and there was some discussion on that point also, and the Council had then agreed that in that respect also the Punjab should not be placed on an inferior footing. So the resolution which is now before the Council is a sort of corollary to the resolution which has been adopted by the Council and it is for that reason that I need not say much on this resolution. I will simply say that considering the importance of the Province, its area, its population and diverse interests, different religions and communities, I think the number does not err on the side of liberality. The number should be as large as possible. The number of officials in a Council of 100 should be 20. With a view to nominating any interest the Governor should have power to nominate 20 members."

The Hon'ble Khan Sahib Mirza Muhammad Ikram Ullah Khan :—"I support the resolution that the franchise should be as broad as possible and therefore the number of members returned adequate."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—"I also support the resolution."

The Hon'ble Khan Bahadur Khawaja Yusuf Shah :—"I should like to have a compromise. My proposal is that the number 100 should be reduced to 60, if the Hon'ble Member who moved the resolution would see his way to reduce it. I do not like to have an unwieldy Council in this Province and at the same time I should like to reduce the number of elected members to two-thirds. If he agrees to that I am entirely with him, otherwise I am afraid my vote will be against him."

The Hon'ble Nawab Sir Bahram Khan moved as an amendment.—"The total number of members should be 60, of which one-half should be elected and one-half nominated to include officials and non-officials and that of the elected members' half should be Muhammadans and half Hindus."

The Hon'ble Diwan Bahadur Diwan Daulat Rai opposed the amendment.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain :—"May I say a word? My Hon'ble friend Khawaja Yusuf Shah suggested that 100 members was an unwieldy number and that 60 would be preferable. Well, a number of us have a predilection for a Select Council, but I am afraid times are passed for that. We want a representative Council. A number want a Select Council, but the days for the Select Council have gone. Now we have got to rub shoulders with the

[*Khan Bahadur Mian Fazl-i-Hussain ; Mr. Maynard.*]

representatives of the people and we should make every effort to remove the distinction of wealth, even of the aristocracy of intellect. So I am not agreeable at all to the suggestion for reducing the number. I see that the Hon'ble Khawaja Yusuf Shah realises that the elected members should preponderate. The difference is that he wants 60 per cent. to be elected and we want 80 per cent. Not a very large difference, and I hope he will come up to our standard. As for the Nawab Sahib I quite appreciate his position and have every respect for the ideals he represents—the ideals that are sometimes called the traditions of the Punjab. I venture to submit that it must be understood that the Punjab along with other parts of India and along with other parts of the world has to break with those traditions and not to maintain them. Traditions of autocracy which have prevailed in the Punjab 70 years ago are not the traditions that the Punjabis cherish, whether the Punjabis are educated or even commonsense village people. They no longer like to be lorded over whether by the patwari or the sub-inspector any more than by the zaildar. They resent it. So this change of outlook which, I venture to submit, is a very general one is not, sometimes as well appreciated as it deserves to be. You must realise that all these ideals for which the Nawab Sahib stands, coming as he does from the great Baluchi tribe, these are ideals which no doubt prevailed in a number of places where very efficient and good governments prevailed and yet those countries we find have broken with those traditions and I have no doubt that the vast proportion of the Punjab masses have also broken from them and from the complaints one hears even those inarticulate masses give expression to a further proof of my argument. Therefore I venture to request the members of this Council not to think of themselves on this very important occasion, not to think that a very broad franchise and a large number of Councilors will take away their very dignity. No doubt they will. But they must realise that in the interests of the future of this country it is essential that they should rub shoulders with persons who are inferior to them in brain and in wealth, and I hope that the interests of the few will not prevail in their case."

The amendment that the strength of the Punjab Legislative Council should be not less than 60 members was put to the meeting and negatived.

The resolution that the number of members should be not less than 100 was put to the meeting and agreed to.

The Hon'ble Mr. Maynard.— "I shall now proceed with the second part of the resolution—that not less than four-fifths of the members should be elected and of the remaining one fifth nominated by Government, not more than one-half should be officials."

The amendment by Nawab Bahram Khan that one-half should be elected and one half nominated was put to the meeting and negatived.

The amendment by the Hon'ble Khawaja Yusuf Shah that not less than two-thirds of the Council should be elected and of the remainder one-third to be nominated by Government not more than one-half should be officials was put to the meeting and negatived.

The resolution that not less than four-fifths of the Council should be elected and of the remaining one-fifth to be nominated by the Government, not more than one-half should be officials was put to the meeting and agreed to.

The Council then adjourned till 2-45 P.M.

[Mr. Maynard; Mr. Craik.]

THE Council re-assembled after luncheon at 2-45 P.M.

The Hon'ble Mr. Maynard :—" Before we begin the proceedings there is one point I have been asked by the Lieutenant-Governor to draw the attention of the Council to. In the report in the *Tribune* of the 21st instant there is a paragraph which says that ' His Honour sympathised with the laudable desire of several members to see the Province treated on a footing of equality with the other Provinces and trusted the members would consider not only the representation of the three great communities, but also of the great military class, the domiciled community and the Indian Christian community,' and would not ignore the interests of the vast majority of the people to whom he said, ' the watch words of liberty and progress were no more than words.' This is the report as it appears in the *Tribune* and what I wish to draw attention to is the last sentence ' the watch words of liberty and progress were no more than mere words ' which are in inverted commas. Of course the impression given is that His Honour definitely said that the ' watch words of liberty and progress ' counted for nothing.

" What His Honour actually said was this :—

" ' Your discussions will, I know, be conducted in a sober, sensible and practical spirit, on the common basis of putting forward what is best calculated to help forward the growth and progress of self-governing institutions and at the same time promote the security and prosperity of the province and particularly of the great masses to whom the political watch words familiar in this Chamber are still only a name. ' "

" Of course the watch words familiar in this Chamber are such matters as the parliamentary representation of the people, the prevalence of the will of an elected majority, and so forth. It is the particular methods with which the masses are not familiar and not the watch words of liberty and progress. The *Tribune* has no doubt unintentionally misrepresented what His Honour the Lieutenant-Governor said.

" Now I will ask the Hon'ble Bakhshi Sohan Lal to move his resolution No. 20, on the subject of franchise, but before he does so I would suggest that a few facts and figures should be laid before the Council by the Hon'ble Mr. Craik who has collected them. "

The Hon'ble Mr. Craik :—" There are a few points I should like to lay before the Council as regards the questions of franchise and electorates. The first is this that you must postulate in your electorate a general electoral roll of manageable size, that is to say, you must not have the electoral roll so large that the actual holding of the election, the taking of the votes, the arrangements at the polling station, the precautions for preventing misrepresentation, and all that sort of thing, become too great a task for the staff entrusted to do it; secondly, that your electoral roll must, as far as possible, be representative of all the important interests in the Province. Then as regards population some figures may be of interest. The total population of the Province is in round numbers 20 millions. Of these 18 millions are rural, that is to say, they live in villages and the great mass of these are connected directly or indirectly with agriculture. Two millions or one-tenth live in towns (the definition of town being a place of over 5,000 inhabitants). As regards the three great religions, Sikhs, Muhammadans and Hindus, I take the Sikhs first as the smallest. The total number of Sikhs is a little over 2 millions, to be exact 2,093 millions. They are almost wholly rural and only a little over one lakh of the Sikhs live in towns. Their interests may be taken to be predominantly agricultural and of course military.

" The Muhammadan population is nearly 11 millions, or roughly 55 per cent, of the gross population of the Province. Of these roughly 9 $\frac{3}{4}$ million are rural, and a little over a million live in towns.

[*Mr. Craik ; Khan Bahadur Fazl-i-Husain.*]

"The Hindus are just under $6\frac{1}{2}$ millions. Of those $\frac{3}{4}$ million roughly live in towns and rather over $5\frac{1}{2}$ millions live in villages.

"Certain points connected with the actual resolutions before the Council may conveniently be stated here. One resolution is that 'every Jagirdar or land revenue payer of not less than Rs. 75 per annum should get the franchise.' For Jagirdars I am sorry I have not got the figures. As regards land revenue payers, the total number paying land revenue in the Province is $3\frac{1}{2}$ millions and the annual average the land revenue paid per head is between Rs. 10 and 12. If you enfranchise only those who pay Rs. 250 or more, the total number in the Province is about 8,000 including crown tenants. The point has probably escaped the Hon'ble mover of the resolution that there is a very large number of crown tenants in the Punjab canal colonies who pay land revenue to Government and who may be regarded for most practical purposes as landowners. Most of them have the right of purchasing their holdings after a certain number of years and none of them can be evicted. So it is clear that they ought to be counted among landowners. I am sorry I cannot give the number of Jagirdars receiving Rs. 250 a year, but I should say that their number is very limited, possibly not more than 1,500 at the outside in the Province. Taking the second category suggested in the resolution 'income-tax payers' the total number of income-tax payers have been returned at 43,000. Of these nearly 23,000 live in the villages and about 20,000 in towns. The income-tax payers of course include many servants of Government and local bodies.

"As regards (c) 'every person who pays a house or land rent of not less than the value of Rs. 600 per annum' I am afraid I can give no figures.

"As regards (d) 'every person who owns house property worth Rs. 20,000,' assuming that house property includes immovable property, an estimate has been made (I cannot claim any great accuracy for it but you can take the figures for what they are worth), the number is given at 10,700 that is, owning house property or immovable property worth more than Rs. 20,000. Most of these, as might be expected, live in towns, the figures being 9,200 in towns and 1,500 in villages.

"Then (e) 'every non-student matriculate or person holding a Punjab University Diploma on the Oriental side.' I have no figures and do not see how we are to get figures. The Vice-President reminds me that something like 5,000 passed the matriculation examination last year. So the number of matriculates in the Province—any Hon'ble Member can make the calculations for himself—is probably somewhere between 50,000 and a lakh."

The Hon'ble Khan Bahadur Fazl-i-Husain :—"As soon as they begin paying income-tax they will be overlapping."

The Hon'ble Mr. Craik :—"However, as it may be of interest to the Council, I can give figures for graduates. According to our return the number of graduates is 3,000, but I am rather inclined to think that it is an under-estimate."

The Hon'ble Khan Bahadur Fazl-i-Husain :—"May I ask if you have got these figures from the University?"

The Hon'ble Mr. Craik :—"I do not think so."

The Hon'ble Khan Bahadur Fazl-i-Husain :—"We tried to get lists of them prepared by the University. The University was in correspondence with the schools and colleges."

The Hon'ble Mr. Craik :—"Well, I cannot say if they are from the University, but I am trying to get accurate figures. The University would know to whom it gives degrees but does not keep lists showing how many are still

[Mr. Craik.]

living in the Punjab. One interesting suggestion has been made to me, which I bring to the special notice of a member of the University, that assuming a degree was taken as a qualification for a vote for University constituencies, the vote should be given only to registered holders of degrees. The present number of those is very small, a little over 500, but a large number would register if registration gave them the vote, and it would bring in a nice little income to the University. It would also have this advantage that there would be no doubt about a voter's qualifications as he would have his name on the register. At present any one might come forward and claim to be a graduate and it would be rather hard to prove that he was not. It seems to me that it is worth considering whether in the case of degree-holders registration with the University should or should not be a *sine qua non*.

"The next qualification suggested is (f) 'every person holding a title or honour conferred by Government and published in the Honours list.' I have no total but the number is very small, a few hundreds.

"The next is (g) 'every Government darbari.' The number of hereditary darbaris is about 277, say about 400 in all.

"Certain amendments have been made by the Hon'ble Chaudhri Lal Chand suggesting instead of Rs. 250 land revenue, a Rs. 20 qualification. Well for a 20 rupee property qualification I am afraid I cannot give any figures. If the qualification was Rs. 25, the number would be about 300,000; if it was Rs. 50 I think the number comes to about one lakh. I understand the calculation has been made for every man whose share of a holding is assessable to land revenue at a sum of not less than Rs. 50 annually. That would include Crown tenants, and I think allowance has been made for minors, females and plural counting. If the qualification were raised to not less than Rs. 75 a year the total number would be somewhere about 60,000 or possibly a little more. Other qualifications for the franchise suggested by Hon'ble Chaudhri Lal Chand are 'every Indian commissioned officer whether in service or retired'. I am afraid I cannot give you figures for officers in service. We have a return of officers who have retired on a pension and our numbers come to roughly 1,900, but that is a good deal too low I think, and now that the war is over it is practically certain that a large number of officers will retire. If you enfranchise every retired military officer of or above the rank of Jemadar you will add probably about 3,000 to the electorate. Whether military officers on the active list should be enfranchised or not is a question to be settled. In most countries I understand where there is a voluntary army, officers of the army as such do not get the vote. That is certainly the case in England where neither officers nor men as such get the vote. If they are qualified in civil life they are allowed to exercise the vote if they can. Of course there are limitations. If they are stationed at a great distance from their constituencies they might find it difficult to vote. In most countries where there is conscription, the fact that a man or officer is serving in the army debar him from voting at all, the intention being that politics should play no part in the army. I think the new electoral law in England does now give the soldier a vote, as under it the franchise is very wide. Anyhow I think Captain Gopal Singh will recognise that there are possible objections from the point of view of discipline to allowing officers and men to vote as such. You cannot have the whole regiment marching off to the polling station.

"Other qualifications suggested by the Hon'ble Chaudhri Lal Chand were (j) every Zaildar, (k) every Sufedposh, (l) every Lambardar, (m) every member of the district board, (n) every assessor. Broadly speaking with few exceptions Zaildars and Sufedposhes are always Lambardars. Of Lambardars the actual number is 65,000, a few of them being Lambardars of more

[*Mr. Craik ; Khan Bahadur Fazl-i-Hussain ; Rai Bahadur Ram Saran Das ; Mr. Maynard.*]

than one village. If you give them the vote, it is a question for consideration whether they should have it in their personal capacity or as representatives of the villages. If they vote in their personal capacity they would be governed by the ordinary rules regarding plural voting and would not presumably vote twice if they had two qualifications. If, on the other hand, the idea is that they should be representatives of their villages, the total number should be counted, that is to say 65,000.

"The total number of villages in the Province is also a point of interest. There are 33,000 odd villages in the Province and roughly speaking 2 Lambardars to a village. Another point of interest in this connection is that in nearly all districts, I understand, Lambardars as such are electors for District Boards. The total number of non-official members of district boards at present is 841. Of course a great many, I should say the majority of those, would probably have qualified under the property qualification either as tax payers or as land revenue payers.

"In regard to assessors I have no figures. I do not know if there is any other point that the Hon'ble members would like information about."

The Hon'ble Khan Bahadur Fazl-i-Husain :—"I should like to know whether there are numbers for those who are paying land revenue of Rs. 20 a year."

The Hon'ble Mr. Craik :—"I have not got figures for Rs. 20. As I said there are 65,000 Lambardars. If you put the minimum at 25 rupees a year you knock out 38,000 of these. If you put the limit at Rs. 50 a year, you knock out all the Lambardars except 15,000. There again it is a point for consideration whether, if you give the Lambardar a vote by virtue of his office as representative of the village, it is equitable to put on a property qualification at all. It may strike members as an advantage that if you give the Lambardars a vote, you give every one of those 33,000 village I have mentioned a direct interest in the elections. I have tried to think of various ways of doing that but it is very difficult to find any practical way other than by some automatically chosen representative. You might of course say that each village should elect a man to vote for it, but I think most people familiar with rural life in the Punjab will agree that that might give rise to a lot of faction to have these petty elections going on in every village, and it seems to me that it would mean an unnecessary amount of official interference. There would be disputes, petitions, and so on, and some authority would have to decide them. On the other hand the Lambardar is there automatically by virtue of his office and his enfranchisement does seem to me a feasible way of giving every village in the Province a direct voice in the elections. Its educative value is a point to be taken into consideration. Most of you are no doubt familiar with the way that Lambardars are appointed. It is generally a hereditary appointment."

The Hon'ble Khan Bahadur Fazl-i-Husain :—"That is why there are so many poverty-stricken Lambardars."

The Hon'ble Mr. Craik :—"But the proportion of Lambardars who would be qualified under a 50 rupee qualification is much higher than that of ordinary revenue payers."

The Hon'ble Rai Bahadur Ram Saran Das :—"May I ask the total of the agricultural population of the Punjab? I have got out the figures that 55 per cent. of the population is agricultural."

The Hon'ble Mr. Maynard :—"If the Hon'ble member means those who are members of agricultural tribes, that must be very nearly the correct number. The number is just about half."

[*Rai Bahadur Ram Saran Das; Mr. Craik; Mr. Maynard; Rai Bahadur Bakhshi Sohan Lal.*]

The Hon'ble Rai Bahadur Ram Saran Das :—"Half agricultural and half non-agricultural."

The Hon'ble Mr. Craik :—"When you say half non-agricultural you are under a misapprehension. The number of persons dependent on agriculture for a living is very much more than 50 per cent. of the population."

The Hon'ble Rai Bahadur Ram Saran Das :—"According to the Census Report I find it is 55 per cent."

The Hon'ble Mr. Maynard :—"That must be a mistake unless you mean the statutory agricultural tribes."

The Hon'ble Mr. Craik :—"There is one other point which I might perhaps mention. Assuming the constituency is a general constituency; it is pretty obvious that it must coincide with some well recognised administrative division, either the district or revenue division. The revenue division is, so far as the rural population is concerned, a very easily marked division and the figures for the 5 revenue divisions, so far as the rural population is concerned, are roughly about 3 millions each. There is not more than half a million difference between the highest and the lowest. If you add in the towns, the variation between divisions is more marked. I cannot state the number of voters as that depends upon the qualifications."

"I should add that His Honour the Lieutenant-Governor is particularly anxious to learn the views of the non-official members and he will give them due weight in addressing the Franchise Committee in regard especially to these three points: first, communal electorates; second, urban and rural constituencies; and third, franchise qualifications generally."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—"Sir, I have the honour to move the following resolution :—

"This Council recommends to His Honour the Lieutenant-Governor to kindly submit its opinion to the Franchise Committee and to His Excellency the Governor-General in Council that in the Punjab every male person, not disabled by minority, insanity, insolvency and criminality, should have the right to vote for election to the Legislative Council provided he falls within any of the following categories :—

- (a) Every jagirdar or land revenue payer of not less than Rs. 75 per annum.
- (b) Every income-tax payer.
- (c) and (d) These were moved but dropped later.
- (e) Every non-student matriculate or person holding a Punjab University Diploma on the Oriental side.
- (f) Every person holding a title or honour conferred by Government and published in the honours list.
- (g) Every Government darbari.

"In moving this resolution I beg to submit that the pre-amble enumerating disabilities of voters, viz., female sex, minority, insanity, insolvency and criminality, are exactly what are already in force in India at the present day, and perhaps all over the civilised world so far as my humble information goes. I am sure no one in this Council will have any objection to the pre-amble of the resolution. I have heard it stated in some quarters that the age of 18 is too low to qualify one to form an independent opinion as regards voting. No doubt in European countries where the majority begins at the completion

[*Rai Bahadur Bakshi Sohan Lal.*]

of the 21st. year of age, the voting qualification as regards age is three years later than in this country. In this country also it is stated that the majority of persons under Courts of Wards and under Guardian and Wards Act begins at the age of completing 21st year of age. I shall be quite prepared to consider that majority for the purposes of the electorates to the Legislative Council may be 21 years, if any member of this Council bring forward any suggestion to that effect; but for the present, the average span of life in India being, in my opinion, shorter than in Europe, and Indian lads attaining intelligence a little earlier than European lads, I recommend that the age qualification in India should continue to be 18 years as at present.

"Now with regard to clause (a) some members seem to think that Rs. 75 annual land revenue is a very high figure. I wish to have an electorate on as broad lines as possible, but I put this figure only with the idea that the electorate may not in the very beginning become too large and quite unmanageable.

"Regarding clause (b) it will be admitted on all hands that the income-tax paying population having the minimum net income of Rs. 1,000 per annum must all be placed on the voters register. If we disenfranchise this class altogether or raise the income-tax limit to Rs. 50 it will also be necessary to raise the land revenue minimum limit to Rs. 250 per annum; as according to Nisfi Mohasal rule of settlement, the land revenue is calculated to be 1-4th of the whole produce of land including the share of the cultivators and of the Government, and the net income of land proprietors cannot possibly exceed four times the amount of land revenue. Thus a person paying Rs. 75 per annum land revenue cannot possibly be expected to have a net income exceeding Rs. 300 per annum, while a person paying Rs. 20 per annum income-tax cannot possibly have a net income below Rs. 1,000 per annum. To restrict the door of the Legislative Councils, so far as the middle classes are concerned, further than the minimum income of one thousand rupees will be a great injury to the public cause because this is the class commanding wealth industries and trade and is expected to provide best intelligence and capital for a national life.

"Lastly, I come to the question of literacy as a qualification for the vote, *i.e.*, clause (c). This may perhaps be thought to render the collectorate unwieldy, but the number of non-student matriculates or persons holding a Punjab University Diploma on the Oriental side can easily be ascertained in every district and the electorate of such persons cannot be said to be unmanageable and too large. It must not be forgotten that in India it is absolutely necessary that men of intelligence and men who have read or are capable of reading European or Oriental literature should have preference to illiterate population of the country, because they constitute, so to say, the brain of society, and if they are wholly or partly shut out of the Councils there is danger of the Council being constituted of the majority of illiterate persons quite unable to cope with the responsible duties to be entrusted to them under the Reform Scheme.

"Sir, if the aims and objects of the reformed and enlarged Councils be to secure intelligent popular support and to prepare the people for eventual self-government, as the distinguished authors of the Report on Constitutional Reforms have repeatedly urged, then it is essential that literacy must be recognised as the greatest factor in the electorate of the Councils.

"I concede to clause (3) of the Hon'ble Rao Bahadur Chaudhri Lal Chand's amendment and agree to drop clauses (c) and (d) of my resolution.

[*Rai Bahadur Bakhshi Sohan Lal ; Mr. Maynard ; Rao Bahadur Chaudhri Lal Chand.*]

"As regards clauses (f) and (g) of my resolution, I do not think there is to be any opposition in this Council, I therefore, have every hope that the resolution as given in the commencement of my speech will be acceptable by the Council."

The Hon'ble Mr. Maynard :—"Did I correctly understand the Hon'ble member to reduce his figure under (a) to Rs. 75 ?"

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—"Yes, I reduce it to Rs. 75. In regard to (d) after reconsideration I may submit that there must be some property qualification. There may be persons who will not come under any other qualification but have property and they must have a vote; and as some people consider Rs. 20,000 is too high I reduce the figure to Rs. 5,000."

The Hon'ble Rao Bahadur Chaudhri Lal Chand.—"Sir, I am afraid I cannot agree with the Hon'ble member on many points. The franchise that has been proposed by the Hon'ble Rai Bahadur Sohan Lal practically denies the right of vote to the rural population and the claims of the Punjabee peasants have altogether been ignored.

"Sir, I am sincerely convinced that in politics of our province the only true divisions are those of rural and urban classes. In the course of this debate I am going to propose, for the consideration of the Hon'ble members, the need of separate electorates for rural and urban areas. If that principle is accepted, of which I have very great hopes, I don't think, there will be much dispute over the franchise question. The Hon'ble mover seems to have had no such division of electorates on his mind and hence it is that he has proposed a right of vote on the basis of a mixed electorate. I fully realise the difficulties of having too many voters in an electorate. As a matter of fact, when I was reading the resolution on this agenda, at first it struck me that while fixing a minimum limit of Rs. 250 for land revenue payers, the Hon'ble mover had this principle in view; and had decided to give the right of vote to only a few in every district. But all this turned out to be a mere delusion when I read his category (b) which gave a right of vote to every petty shop-keeper who was paying an income-tax of Rs. 20. The partiality shown to one class as against the other is too apparent to require any criticism at all. The reasons which my Hon'ble friend has tried to adduce hardly improve matters.

"Sir, the principle that representation should be in accordance with taxation has altogether been ignored. If the franchise proposed by my Hon'ble friend were accepted finally by the Government nearly all the non-official members on my side of the table would be out of this chamber and there would be nobody here from among the peasant proprietors and the military classes.

"The land-holding classes pay nearly 9 times more than the income-tax payers to the exchequer of the State. The exact figures being 14,820 lakhs and 1,672 lakhs, respectively. In all fairness they should have their votes in proportion to their taxes. I cannot help thanking the Hon'ble mover for getting the full statistics from the Government. In reply to his question the Hon'ble Mr. French has pointed out that the number of men paying over Rs. 250 land revenue is Rs. 7,199 and that the income-tax payers are 43,463. In face of that statement I don't think any other argument is needed to convince my Hon'ble friend of the unreasonableness of his demand and he will, I am sure feel, no hesitation in remedying the wrong proposed to be done by accepting my amendments. I propose that in (a) Rs. 20 be substituted for Rs. 250 and in (b) the words "who pays not less than Rs. 50 income-tax," be added.

[*Rao Bahadur Chaudhri Lal Chand.*]

"Nobody would deny that contribution to the State and numerical strength are the chief factors in determining the right of vote in a representative Government. Indeed it would be a strange form of representative Government in which income is derived from one class and in the matter of spending another class is all in all.

"Apart from this there are other grounds for fixing Rs. 20 as minimum in case of land revenue, and Rs. 50 in case of income-tax. In the first place land revenue is a fixed amount; the payer is one of the proprietary body and payment continues from father to son. While in the case of income-tax none of these conditions exists. Income-tax is fluctuating from year to year and there is an element of uncertainty in it. Besides Rs. 20 is such a low amount that people might be tempted to get themselves assessed to income-tax in order to get a right of vote.

"In the second place I would mention the services of our Province during the present war. I confess, that in making this differentiation I have had those services in view. I hope the Hon'ble members will excuse me if I tell them that there is no comparison between the services of the land holding classes and the trading classes. The one gave the flower of its manhood ungrudgingly and freely, while the other hesitated and only contributed a share of the huge profits they had earned simply on account of the war, in War Loan for which they get $5\frac{1}{2}$ per cent. interest. Bare justice requires that the 'Defenders of the Empire' should be treated with due consideration.

"I hope the Hon'ble mover will have no hesitation in accepting my amendment. I am thankful to the Hon'ble mover for giving up his category (c). I therefore come to (d) in which Hon'ble mover gives franchise to all those who possess house property worth Rs. 5,000. Why he does not give the same concession to those who possess landed property worth Rs. 5,000 is not at all intelligible to me. As this category will bring in generally the urban classes only I am opposed to it and would have it deleted.

"Sir, I now come to the positive side of my amendments. The omissions which the Hon'ble mover has made are so many, that when I first finished reading his resolution, I began to regard this resolution as relating to towns only, but on a second reading I discerned my mistake and am at last constrained to move some additions for the careful consideration of this Council. I propose that those who have fought for the liberty of the world and whose services have induced the Imperial Government to grant us these new rights and privileges should also share in the reforms which they have helped so materially to win. For this I would propose that the right of vote should be given to every Commissioned Military Officer whether in service or retired and to every Indian soldier who has won a decoration or has been wounded or incapacitated during the present war. Persons holding civil titles or honours have been accorded a right of vote and there is no reason why a soldier who has won a decoration or has been wounded or incapacitated during the present war should not be given an equal treatment.

"Further, the omission of the village Lambardar is still more serious and is hardly intelligible to me. It has become the fashion of the day to denounce every one that has the tinge of officialism about him. Whether this principle is right or wrong in other cases, I sincerely believe that it is altogether a wrong policy to denounce the Lambardars as a class. Those who have lived in villages know perfectly well that the Lambardar is not only the agent of the Government in giving information about serious crimes, or in helping the Police and administration in detecting crimes but is also the only recognised representative of the village body in all social, communal and all other matters

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relating to the welfare of the village community. In towns however, wide your franchise may be you cannot say that every single man is represented; Those who do not pay income-tax and those labourers and artisans whose earnings are very small cannot come in unless you give the right of vote to every individual as such. Thanks to the institution of these Lambardars that in villages this difficulty cannot arise after we have given a right of vote to the Lambardar. Apart from his individual capacity he holds a representative position and in him all landholders who pay land revenue below Rs. 20 and who have no right of vote as land revenue payers, will be duly represented. He will also be a spokesman of all the village Kamins and others who reside in the village and if giving him this right we lay claim to having given franchise to every human soul in the village, our claim will be justified. What a pity it is that the man who is the first to be summoned in village Panchayats, who is the first to be addressed by strangers, who go to a village and have anything to do with the village body as a whole, who is the first to approach the authorities when canal water runs short or the rights of the village are in any way in danger, should have been so left out. I cannot believe that the Hon'ble mover could have been so out of touch with the rural population which he represents here, as to purposely refuse the right of vote to the Lambardars and I attribute it to mere oversight and have every hope he will not hesitate in supplying the gap by accepting my amendment. Further, I extend the right to Sufedposhes and Zaildars also. I confess in doing so, I am not doing them any favour as most of them will have this right in their capacity as Lambardars. But here and there there may be one or two Sufedposhes or Zaildars in every district who are not Lambardars and who will get a right of vote if this amendment is accepted. What has been said about the Lambardars applies still more to these two functionaries. The post of chief headman having been abolished for the future we cannot reasonably leave them out now. I may here assure the Hon'ble mover and other Hon'ble members that when I am swelling the list of village voters I am not actuated by any personal motives but do so because I was born and bred in a village, and have been practically living in the village all my life and have an intimate personal knowledge of the villagers and the village life. Indeed if any friend on my right had made this very proposal, such motives could have been attributed to him very easily so he is a Lambardar in more than one village.

"I now pass on to the district board members. They are serving on the district committees and have to deal with questions of village sanitation and education. They cannot even be charged with being at all under official influence. Under the present system we are their creatures and we would be highly ungrateful to them if we say that they cannot exercise the right of vote properly. Indeed that would be abusing our own selves. I would give them the first place as it is through them that all measures concerning village communities can be carried into effect. One class more and I have finished. These are the assessors. They are all respectable men of position and influence from towns as well as from villages and may be given a right of vote.

"To sum up my amendment would be to add the following classes after clause (g) :—

- (h) Every Commissioned Indian Officer whether in service or retired.
- (i) Every Indian Soldier who has won a decoration or has been wounded or incapacitated during the present war.
- (j) Every Zaildar.
- (k) Every Sufedposh.
- (l) Every Lambardar.

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(m) Every man of the district board.

(n) Every assessor.

"Sir, just one word more and I am done. Unfortunately I have kept the bitterest to the last. I am afraid, in what I am going to say now, I shall incur the displeasure and frown of the educated classes and the criticism of the Indian Press. But I think I should not hesitate from speaking my mind freely simply on personal grounds. The Hon'ble mover has proposed a right of vote for every matriculate and diploma holder in vernacular. Here the Hon'ble mover has been as generous as he was miserly, when dealing with the land holding classes. I admit education should receive some special consideration, but to say that all the 75,000 matriculates that have been produced by the Punjab University should have a right of vote even though they may pay no taxes is simply a preposterous claim. This is again a violation of the principle 'no representation without taxation' and I cannot support it as it stands. The fact that most of the matriculates belong to towns makes me still more suspicious and has been one of the reasons why I have stood up to oppose this part of the resolution as well.

"I have during the last few days been reading John Stuart Mill on representative Government and I think I might seek the help of that great thinker in support of my argument to refuse franchise to this non-tax paying class. The author says :—

"It is also important that the assembly which votes the taxes, either general or local, should be elected exclusively by those who pay something towards the taxes imposed. Those who pay no taxes, disposing by their votes of other people's money, have every motive to be lavish and none to economise. As far as money matters are concerned any power of voting possessed by them is a violation of the fundamental principle of free government; a severance of the power of control from the interest in its beneficial exercise. It amounts to allowing them to put their hands into other people's pockets for any purpose which they think fit to call a public one; which in some of the great towns of the United States is known to have produced a scale of local taxation onerous beyond example and wholly borne by the wealthier classes. That representation should be co-extensive with taxation, not stopping short of it, but also not going beyond it, is in accordance with the theory of British institutions."

"The graduates will enjoy their right of vote in sending their University representative and I am not prepared to support my Hon'ble colleague in giving this valuable right to mere matriculates who do not contribute towards the income of the State."

The Hon'ble Rai Bahadur Ram Saran Das :— "I oppose the amendments proposed by the Hon'ble Chaudhri Lal Chand. He proposes to lower very considerably the voting qualifications of agriculturists. Does he realise how many persons he is going to enfranchise by putting the land revenue qualification at Rs. 20 per annum? I don't suppose it would be wise to undertake catastrophic changes. Neither would it be wise to have an extremely broad franchise until education has spread to some extent in the province. Does my Honourable friend know what is the extent of literacy in the rural areas. It would be very dangerous indeed to attempt the enfranchisement of a very large number of ignorant, illiterate persons who can never possibly know and understand how to exercise their powers of vote independently. They have no political awakening of any sort. I must therefore oppose this lowering of franchise all of a sudden. I would extend it in proportion to the extension in literacy.

[*Rai Bahadur Ram Saran Das; Khan Bahadur Mian Fazl-i-Hussain; Mr. Maynard; Rao Bahadur Chaudhri Lal Chand.*]

"Again my Honourable friend proposes to raise the voting qualification of all commercial and industrial classes. Does he know that the total number of income-tax payers in the Punjab is only 43,000. If his proposal is accepted, the number of voters in this class will be reduced to only 14,000 or 15,000. Is this proposal fair, specially when we take it along with his proposal to lower franchise in case of agriculturists? 20 rupees land revenue mean 40 rupees net agricultural profits. On the other hand 50 rupees income-tax means Rs. 2,000 net income. Does my Honourable friend mean to say that in his opinion no commercial and industrial man with less than Rs. 2,000 income can compete with an agriculturist with as high an income as Rs. 40? The proposal of my Honourable friend Bakhshi Sohan Lal is to my mind very fair to agriculturists. He gives a vote to every income-tax-payer that is to a man possessing Rs. 1,000 income a year. Strict justice required that agriculturists also with the same income qualification should be enfranchised. Rs. 1,000 agricultural income means Rs 500 land revenue. But Bakhshi Sohan Lal has fixed the voting qualification at Rs. 250 only. His proposals are therefore very beneficial to agriculturists. The amendments proposed by the Hon'ble Chaudhri Lal Chand are opposed to all sense of justice and fairness and I therefore oppose them."

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain:—"I would like to mention one thing and that is, as the Hon'ble Chaudhri Lal Chand said, the main point on which there is a difference of opinion is whether the representation should be divided between rural and urban areas or not. If the answer to that question is in the affirmative, that is to say, that there should be such a division, of course all these bickerings will end, and I do not suppose the Hon'ble members will discuss the matter at any further length. If, on the other hand, it is said there should be amalgamated electorates from urban and rural areas then of course we shall have to arrive at a figure for land revenue and income-tax which will give figures fairly proportionate either to the incidence of taxation or of population. I am not saying this to show a leaning either to one side or the other but simply for the disposal of business and in order to come to some conclusion."

The Hon'ble Mr. Maynard:—"The question would still remain that we should have to provide some kind of status which was required both in rural and urban constituencies. Even if it became no longer a question of the kind of constituencies you would still require some kind of equality."

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain:—"But there will not be so much feeling."

The Hon'ble Mr. Maynard:—"But that feeling is not altogether a bad thing. It is a stimulus to make members express their views."

The Hon'ble Rao Bahadur Chaudhri Lal Chand:—"My Hon'ble friend Rai Bahadur Ram Saran Das has laid stress on the fact that there are only 34,000 income-tax payers. As regards taxes the rural population pay nine times as much as the other income-tax payers. As regards population we are nine times as numerous as they are. So long as we get nine times the number of votes I will be satisfied. Let him reduce his number and I am prepared to reduce mine. If he reduces his income-tax payers to 1,000, I am prepared to reduce mine to 9,000."

The Hon'ble Mr. Maynard:—"We have before us a definite suggestion made for the facilitation of business, and that is that before going further with this particular question of franchise we should consider the Hon'ble Chaudhri Lal Chand's proposals under another heading, i.e., resolution No. 23 that the electorates for rural and urban population should be separate. It is considered by some members that that would facilitate the disposal of this question."

[*Captain Gopal Singh ; Mr. Maynard ; Sardar Bahadur Gajjan Singh ;
Rao Bahadur Choudhri Lal Chand.*]

The Hon'ble Captain Gopal Singh :—" I support the Hon'ble Chaudhri Lal Chand, and to 'wounded soldiers in this war' I would add 'soldiers wounded in previous wars also'. In regard to the voting of soldiers and officers it is a question of discipline whether the Indian officers in service should vote or not."

The Hon'ble Mr. Maynard :—" Is the Council prepared to adopt this particular method to deal with the business, that is, discussing Chaudhri Lal Chand's proposals which appear as No. 23 in order to clear the way."

The Hon'ble Sardar Bahadur Gajjan Singh :—" I understand those who wish to speak on this point will have an opportunity to speak again later."

The Hon'ble Mr. Maynard :—" After we have discussed No. 23, we can go back to this again. I therefore suspend the discussion on resolution No. 20, and will ask the Hon'ble Chaudhri Lal Chand to move his resolution No 23."

The Hon'ble Rao Bahadur Chaudhri Lal Chand :—" The resolution which stands in my name which I am going to move is, I am sincerely convinced, one which will be endorsed by every one who has the welfare of the rural community at heart. It is also one, I am equally sincerely persuaded, which embodies the real wishes and sentiments of those millions of Punjabis who are so frequently apt to be ignored when the actual distribution of political rights and privileges among the various sections of the Indian community is effected or is under consideration : - 'This Council recommends to His Honour the Lieutenant-Governor to suggest to the Franchise Committee and to request the Governor-General in Council that for seats allotted to rural population the candidates should belong to the statutory agricultural tribes of the Province.'

" Ever since the report on Indian constitutional reforms was published I had a strong desire to move some such resolution in the Council. But I must confess that I had considerable hesitation in making up my mind actually to do so. It has become a fashion to decry anything and everything which may, in the least savour of what we call separatism or sectarianism as distinguished from nationalism in Indian politics. It is extremely difficult to go against prevailing fashion particularly when that fashion is ostensibly based on the dictates of such sacred notions as those implied by real and genuine nationalism. But real and genuine nationalism in this country, though struggling to be free, has not yet succeeded in disentangling itself from those baser elements of sectarianism and narrow-mindedness which must necessarily beset its growth in a country like India. Pure unqualified nationalism, so ardently preached both in the press and from the platform, has yet to be evolved in our country, and though I yield to none in my homage to the ideal of nationalism I cannot shut my eyes to the stern realities of life. The noble sentiments of nationalism to which we give frequent utterance in our speeches and writings are oftener respected in their breach than in their observance in our everyday life. All the fine phrases and nationalistic maxims which adorn our speeches melt into thin air when opportunity arises for translating them into practice. Class interests and sectarianism get the better of those precious principles of nationalism to which we have rendered lip service all our life when the time for applying the crucial test arrives.

" This is, particularly the case when an actual distribution of political rights is concerned.

" It was this divorce between our professed principles and our actual practice which originally presented the idea of moving such a resolution to my mind. Another impulse strengthened my original inclination. The representatives of the Government and the representatives of the educated and politically advanced classes have both put themselves forward as the true guardians

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of the interests of the rural classes. I thought that a resolution like the one which I am moving at present would put to a practical test the claims of both in this connection. Strong as these two reasons were for inclining me to place my present motion before this Council I was still undecided when a third circumstance arose which determined me to move this resolution. This third circumstance was the appearance in the *Tribune* and the *Parjabeé* of a series of articles by a correspondent advocating a fifty per cent. representation for the urban classes. As a representative of the rural classes I was naturally alarmed at this preposterous claim put forward on behalf of the urban classes, and decided to move the present resolution and run the gauntlet of the Indian section of the press which is mostly manned by persons drawn from the urban classes.

“Strictly speaking, the claim of the rural classes for separate and proportional representation is not at all an heretical proposal even from the nationalistic point of view. The representation of various interests through those best qualified to safeguard and speak for those interests is an accepted principle. In our own Councils the separate representation of commerce and landed interests will serve to show that the claim embodied in my resolution is not at all unreasonable. The rural classes have a definite set of important interests some of which clash with the interests of the urban classes and for most of which the urban classes will ordinarily feel no concern. So, personally speaking, I can detect no tendency in the direction of what we call separatism in my resolution, but those who do should remember that the responsibility for setting the ball in motion lies not with me but with somebody else.

“The resolution which I have the honour to move resolves itself into two parts. The first part seeks to create separate electorates for the rural and urban populations. The second part puts forward a claim that the number of seats allotted to each group shall be proportional to its population. I will deal with each part separately.

“Let us take up the question of separate representation first. Now the question of the creation of separate electorates is by no means a novel one, and so far, at least, as my resolution asks for the creation of separate rural electorates it cannot be said to advocate any violent change. Nor can it be branded as reactionary. Even now the district boards, which may be regarded as representing rural interests, and the municipal boards, which may be regarded as representing urban interests, form separate electorates. Furthermore the weakness of the present Indian body politic is said to consist in the fact that Indian patriotism is more communal than territorial, and anything which tends to substitute a territorial for a communal basis of representation ought to be welcomed by everybody who desires to see the growth of healthy nationalism in this country. Viewed in this light my resolution is not only not reactionary, as the *Tribune* says, but definitely progressive. Be that as it may I feel it essential at the present moment to press the claims of the rural population. The rural classes have suffered much and have suffered long, and now that our countrymen are about to get a greater measure of control over their own affairs I think it is vital for the welfare of the rural classes that they should have separate and independent representation.

“As I have already hinted the interests of the rural and urban classes are by no means identical. In fact in a number of cases there may be a sharp conflict between the interests of the two classes. I will quote a few instances to convince the Hon'ble members of this Council. Agricultural classes form a very large proportion of the rural classes. On the other hand, urban classes are mostly composed of persons who follow commerce, industry, money-lending, etc., as their professions. Can it be denied that there is a violent conflict of

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interests between the two classes in respect of the upholding of the Land Alienation Act? Again nearly the whole of our martial races are comprised in the rural population. Can it be asserted that an increase in the pay of the Indian Army which involves additional military expenditure will be welcomed among the urban classes? If the past is any guide to the future the answer is a decided no. It may be contended that the Congress passed a resolution last year advocating an increase in the pay of Indian soldiers and that the Delhi Conference urged a similar increase last April. But those who know what happened in the Subjects Committee of the Congress in this connection and how casually the subject was noticed in the Indian Press when the promised increase did not come in the shape and to the extent which was desired by the fighting classes will hesitate to join issue with me on the point. Co-operative movement is another question on which the rural and urban classes may find themselves in disagreement. When the question of apportioning funds between rural education and urban education, rural sanitation and urban sanitation, and between agriculture and industry arises a conflict of interests is sure to arise between the rural classes on the one hand and the urban classes on the other. I could easily multiply instances of this kind, but having given a clear indication of what I mean I would leave the rest to your imagination. Taking the mildest view of things, I am sure, you will agree with me that there are numerous questions, vitally important for the welfare of the rural classes, in which the urban classes cannot have any living interest. Under such circumstances I feel sure the non-official members of this Council will approach the subject of my resolution with a sympathetic attitude and the Government will, I hope, see no objection to the acceptance of this resolution.

"I now come to the second part of my resolution. This part embodies a request that the representation of the rural classes will be in proportion to their population. Three possible objections may be raised by my non-official colleagues against the granting of this request, namely, that (a) the rural classes are educationally backward, (b) they have had no political training in the art of self-government, (c) they have not contributed their quota to the political agitation which has resulted in the promise of the present constitutional reforms.

"With regard to the first objection I beg to submit that Indian politicians have never conceded that educational backwardness is in itself a sufficient justification for withholding political rights. I fully endorse this view, and though education is an advantage in many ways I refuse to grant that mere ability to read and write places a man above his fellows or that such ability is the test of his fitness for the grant or exercise of political franchise. In any case I am perfectly within my rights in employing for the benefit of the rural classes an argument which has so continually been employed by orthodox Congress leaders in urging the cause of India as a whole. What is true in the case of Indians as a whole should be true in the case of a humble section of the Indians, namely, the rural classes.

"With regard to the second objection I can, with perfect justice, employ the same argument. But I have still more weighty arguments for meeting this objection. Though there are no municipalities in villages I can confidently say that rural life provides a much more favourable atmosphere for the growth and development of those civic virtues which are essential for the success of self-governing institutions than urban life. There are frequent calls upon individuals in villages to shoulder collective responsibility. Village communities, though much weakened under the altered conditions of life, are not yet extinct. Village *Panchayats*, though shorn of their former power and sanctity, are yet living forces, particularly in tracts which are educationally backward.

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"These *Panchayats* are constantly called upon to deal with matters of common concern to the village. The administration of the common land, the raising of funds for common purposes of the village, the construction of village halls and wells, the digging of tanks and water-courses, the questions of the adjustment of mutual relations between the proprietary body and the non-proprietors, the settlement of social disputes and many other things of a similar nature call forth all the qualities required for the working of self-governing institutions. The village *Panchayats* do all these things unguided by the Deputy Commissioner and uncontrolled by the Commissioners, and thus provide a better training ground than municipal boards.

"The third objection is one, I believe, which no one in this Council will urge. It is true that the rural classes have not so far participated in any agitation for political concession. The official members of the Council will, I should believe, be thankful for this omission on the part of the rural classes. To those of the non-official members who will place this non-participation to the discredit of the rural population, I will say that the fault is their's and not of their less politically minded brethren. I am sure they will understand why. However, admitting for the sake of argument that it is just to place the abstention of the rural classes from political agitation to the debit side of their account I may yet urge in their favour their splendid services and their magnificent sacrifices in the present war which have given such point and added such weight to India's demand for political reform and gone so far in inducing the Imperial Government to accede to that demand.

"Having dealt with the possible objections that may be raised to placing the rural classes on the same footing with the urban classes in the matter of enfranchisement I pass on to a justification of the claim which I have put forward on behalf of the former.

"To me the demand for proportional representation being granted to the rural classes seems so simple and axiomatic that I am half reluctant to labour the point. However, I will try to put briefly the positive side of the question before this Council. I trust that every one in this Council Chamber has heard the democratic maxim that every man should count for one man and for neither less nor more. We in India all lay such store by democracy in our speeches and writings that I have no doubt my Indian friends in this Council have by this time learnt to respect democracy in practice also. It would be scandalous if our practice gives the cold shoulder to what we swear by and hold so dear in theory.

"Judging from the public declarations and speeches of responsible British statesmen democracy has, during the last four years that the war has lasted, gathered such fresh strength and new virtues round itself in the eyes of the British nation that I have no doubt my resolution will appeal strongly to the official members also.

"We are also all familiar with the famous maxim: 'No taxation without representation.' For the purposes of my resolution the Council has to accept only a slight verbal alteration in this maxim, namely 'All representation to be proportional to taxation.' It is an admitted fact that the rural classes contribute far more to the public exchequer than the urban classes. It will also be readily granted that while a very large proportion of the rural population contribute something to the finances of the State the bulk of the urban population contribute nothing. This aspect of the question should also receive careful consideration before the Hon'ble Members make up their minds on the merits of resolution.

[*Rao Bahadur Chaudhri Lal Chand.*]

"I will also remind the Hon'ble Members of the famous and oft-quoted saying of a renowned British statesman that the real nation in every country dwells in cottages: - So the lowly rural population whose lot it is to pass its days in humble huts and cottages of the country-side is politically of greater importance than the dwellers of mansions in towns. If we are just and fair-minded we cannot but admit that the peasantry, though poor and living in out of the way places, far away from the haunts of civilisation and from the stress of political agitation, is the back-bone of the Indian nation. The aristocracy of wealth and intellect will thus do well to deal fairly with the rural population.

"I will draw the attention of this Council to one more aspect of the question before I close. As I have already stated the martial races of India all fall under the category of rural classes, and I will earnestly appeal to all the Hon'ble Members to weigh carefully the sacrifices which these races have made in the defence of the Empire before they vote on any resolution. Pray remember the large part which the fighting classes of India have played in winning the freedom and maintaining the liberty of the world. Look at this relative rôle which the rural and urban classes of India have played in the war. When the world was threatened with a deluge of barbarism and despotism the rural classes went out gleefully to swell the ranks of the army which was defending the liberties of the world. When Kultur with its new cult of might was seeking to throttle civilisation the rural classes sent the flower of their manhood to vindicate the cause of justice and freedom. When democracy was locked in a death-grip with autocracy and autocracy seemed to be crushing the very life out of democracy, the rural classes poured out their richest blood to sustain that life and the faith of the world in the vigour of that life. What did the urban classes do? The response to the Indian Defence Force and the Punjab University Company furnishes the answer to the query. If I may be allowed to repeat that answer in words those classes hesitated, shrank, flinched, and finally failed. They were weighed in the balance and found wanting: The rural classes, on the other hand, stood the test, splendidly. When the call for the supreme sacrifice was made they responded to it worthily. They flocked to the colours in large numbers and maintained the traditions and upheld the honour of India in a most praiseworthy manner. They vindicated the worth of Indian loyalty and the grandeur of Indian valour by their daring deeds and heroic sacrifices in the frozen fields of Flanders and on the burning sands of Mesopotamia alike. And I may assure you that valuable as political agitation may be for securing political rights it is the prompt and unstinted response to the call of Britain made by the rural classes from which Indian demands for reform have derived and gathered their momentum; it is the willing and ungrudging sacrifices made by the rural classes upon which the justice of India's claim for equal partnership in the Empire rests. Do not forget that the battle of India's freedom has been fought not so much on the platform, nor in the press, nor, again, in the bar rooms of India, as on the bloody fields of Europe and Western Asia. It is not so much the glib tongue of the Indian orator or the facile pen of the Indian journalist, nor even your unanimous resolutions passed at political meetings as the gleaming bayonet of the Indian soldier which has secured the reforms in which I claim for the rural classes a share which will be proportional to their population. I could have claimed a share commensurate with their sacrifices in the present war, their stake in the country, and their political importance to the nation and to the State which would have been far in excess of what I claim now. But I have preferred not to draw any distinction between man and man on these grounds. If even in its present form my resolution proves unacceptable to any man it will only mean that a villager is not

[*Sardar Bahadur Gajjan Singh; Captain Gopal Singh; Rai Bahadur Ram Saran Das; Mr. Maynard.*]

to count as equal to a townsman. I, for one, cannot understand why. The villager has discharged his civic duties to the satisfaction of everybody, and is, in justice, entitled to claim a fair share out of the civic rights.

"With these words I resume my seat in the earnest hope that the resolution which I have moved will be accepted by this Council."

The Hon'ble Sardar Bahadur Gajjan Singh:—"After the very able and lucid speech of my Hon'ble colleague on this question I think at this late hour of the day I should not take up the time of this Council, but I must give my hearty and strong support to the resolution. His reasons are so convincing and so complete that his resolution should at once be accepted. Judge it from any point of view, the resolution is one as he has rightly said that only demands justice. On the strength of the sacrifices rendered it would be quite open to him if he claimed even larger rights, but he has been very modest, and I hope that the very modest claims of the rural population who deserve so well at the hands of this Council will not be ignored. As far as the Sikhs are concerned I would say that as the Government has allowed special representation to us, and we are also living in rural areas this does not help us in any way. Therefore I will not engage the Council for a long time, and I support the resolution with this reservation that as we will be given separate electorates it does not concern us."

The Hon'ble Captain Gopal Singh:—"The Hon'ble Chaudhri Lal Chand has said enough. I strongly support the resolution."

The Hon'ble Rai Bahadur Ram Saran Das:—"In this resolution I would substitute the words 'agricultural and non-agricultural population' for the words 'rural and urban population.' I presume my Hon'ble friend Chaudhri Lal Chand is only anxious to safeguard the interests of his agricultural brethren. I have no quarrel with him on that score. I being a land-owner myself am greatly interested in safeguarding the legitimate claims of agriculture. I would have therefore gladly supported him if he had pleaded for the adequate representation of agriculturists in the Council as well as the electorates. But when in protecting the interests of agriculturists he injures the rights of other interests, then, I am afraid, I can not support him. In rural areas agriculturists form 69 per cent of the population. Commercial and industrial interests form about 26 per cent of the rural population. It is therefore evident that in rural constituencies agriculturists will always form a majority. The agriculturists would therefore carry off all seats in rural areas. Does my Hon'ble friend propose to leave rural, commercial and industrial classes without any representation? This would be so if the wordings of Hon'ble Chaudhri Lal Chand's resolution are adopted. The agriculturists only form 55 per cent of the total population of this province. By giving to rural constituencies representation in proportion to entire rural population, he gives a monopoly in 90 per cent of the seats to agriculturists. I fail to understand why this interest should get excessive representation. The main idea of the honourable mover seems to be to safeguard the interests of agriculturists, and I hope my amendment, which will prominently bring out his idea, will be readily accepted by him. I move the amendment that stands in my name for the favourable consideration of the Council."

The Hon'ble Mr. Maynard:—"I think before we go further with this, we ought to make out precisely what we mean by these expressions 'urban and rural.' Presumably by 'urban' the Hon'ble Chaudhri Lal Chand would include those who live in towns above a certain size. I suppose he will say that all those people who live in towns of above say 5,000 inhabitants should be treated as urban and those who live in places of smaller size should be treated

[Mr. Maynard; Khan Bahadur Mian Fazl-i-Hussain; Mr. Craik;
Rao Bahadur Chaudhri Lal Chand]

as being rural. But when we come to this question of what we mean by agricultural and non-agricultural there are two or three different meanings which might be attached to it. You might mean agricultural as meaning a man who himself owns land or pays revenue or cultivates as a tenant, or you may take it to include the labourers who labour at agriculture or you may take it to mean those who belong to the classes which have been statutorily described as being agricultural tribes. If we take it as meaning those who draw their living from agriculture then the proportion is very much larger than the proportion stated by Hon'ble Mr. Ram Saran Das. If we mean those who belong to the statutory agricultural tribes then, as far as my enquiries go, he is approximately right in saying it is about 55 per cent. of the population."

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—"Moreover, I should further like to be clear about the definition of these terms rural and urban. For instance, does it mean a person who belongs to a rural area by birth or by actual residence. Hon'ble Chaudhri Lal Chand, I am sure, does not belong to one class only, for he is a person belonging to rural area and his permanent residence during the major portion of the year is certainly urban, so is mine. Is it necessary that a man should belong to an agricultural tribe? Is it residence or birth that makes the man rural? Or does it require both? All these questions are very complicated, and we have been given no definition on the subject. Would a man belonging to an agricultural tribe and earning his income in town besides the income of his rural property be an urban voter or a rural voter."

The Hon'ble Mr. Craik :—"May I explain that anybody qualified under the proposed franchise could vote in a rural constituency. Suppose you fix a property qualification, anybody who possesses that qualification could vote in a rural constituency."

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—"So it is the property qualification that will make him rural. That is to say, a person owning house property and at the same time rural property will have the choice of either going to one or the other place."

The Hon'ble Mr. Craik :—"That is a matter for the decision of the Franchise Committee. He might have a vote at both places. If you have plural voting he would have both. The point put by the Hon'ble member is not a real difficulty at all. When you have once fixed your franchise that will guide the vote."

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—"Then a course the appeal made with reference to the persons who have been born in a village and are familiar with its beside the mark."

The Hon'ble Rao Bahadur Chaudhri Lal Chand :—"I am sorry, Sir, I cannot accept the amendment. I said in my speech while moving the resolution that rural and urban were the only proper divisions. Now Hon'ble Rai Ram Saran Das wants the population to be divided into agricultural and non-agricultural. He has overlooked the fact that non-agriculturists living in villages have common interests with the agriculturists living there, and none with the non-agriculturists living in towns. If you improve the sanitation of the village it effects both, that is, the agriculturists and non-agriculturists living in the village. If you open new primary schools in the village both are effected; if you impose patrol duty on the village both feel the pinch of it. So it is neither wise nor proper to divide the province into divisions that do not exist. Let the villagers form themselves into one compact body and have fair representation of their own. So I cannot accept the amendment I may, however, assure the Hon'ble member that I am not considering special interests like Commerce, Universities, etc., which he wishes to guard."

[*Khan Bahadur Mian Fazl-i-Hussain; Rao Bahadur Chaudhri Lal Chand; Mr. Maynard.*]

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—“The subject which is at present engaging the attention of the Council is one of supreme importance and I may frankly say that my sympathies are to a very large extent with what has been stated by the Hon'ble Chaudhri Lal Chand. At the same time one must see, when putting forward the claim of the rural population, that one is really representing what is really referred to as the agricultural classes of India. From the explanation given by the Hon'ble Mr. Craik it is clear that when we are referring to rural areas we mean thereby landed interests. I believe I am correct in using that expression. In other words, the conflict is the usual one which one comes across between landed interests and interests other than landed. In other words, capitalism. But one has to recognise, however great the importance, valour and so on of the village agricultural classes may be, that there is a human being there who has a considerable importance even in that village, and that he is the humble petty shopkeeper. Well, that petty shopkeeper has force of his own which all my friends fully realize. Are you going absolutely to ignore that gentleman? Is he going to be entirely overlooked.”

The Hon'ble Rao Bahadur Chaudhri Lal Chand :—“Is the Hon'ble member in order? My resolution does not ignore the shopkeeper at all.”

The Hon'ble Mr. Maynard :—“The Hon'ble member is in order in putting this question. He wants to understand what the meaning of the resolution is. I think probably what the Hon'ble Chaudhri Lal Chand would say would be that the shopkeeper in question would get his vote in the rural constituency in virtue of paying the income-tax.”

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—“When we are told that up to now the rural classes have been simply swamped by urban classes and up to now have figured as hopeless minorities struggling in vain to get the rights they are entitled to, am I to understand that with Rs. 20 land revenue qualification the poor old *buniah* is going to have any chance of sending up a representative. That is more or less trying to keep the poor man out of having any representative.”

The Hon'ble Rao Bahadur Chaudhri Lal Chand :—“That is not franchise question.”

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—“It does not matter. You are at present dividing the representation between two areas, urban area and rural area. Within rural area, I contend, there are two conflicting irreconcilable interests, and when you are separating these two urban and rural areas you are placing one class which has been dominating up till now, it might frankly be admitted, into a position of subserviency to which it has not been used, and to which its real and actual influence in village life is not entitled. I have really no sympathy for the *buniah* nor have I had during a long ancestry anything to do with that class. But at the same time in the economic life of the village he is a figure which cannot be ignored. Therefore my submission is that it would be difficult to urge that when you are securing seats for rural areas you really are securing seats for agricultural interests, but it would appear from the figures supplied that although the persons belonging to agricultural tribes are about 55 per cent. of the population, the total population of agriculturists is about 65 per cent., that is to say, including besides agricultural tribes those qualified and owning land but who do not belong to agricultural tribes. I do not think reasonably the claim for any representation beyond that figure could possibly be justified. Of course I really have no figures myself; I am making these submissions with reference to the figures supplied by the Hon'ble Mr. Craik or the Hon'ble Ram Saran Das.

[*Khan Bahadur Mir Fozl-i-Hussain ; Rao Bahadur Chaudhri Lal Chand ; Nawab Sir Bahram Khan.*]

"Then there is the second element. One is of course that there should be representation with reference to taxation. Of course that maxim is an old one, and enlightened people now demand representation more with reference to population than with reference to taxation, but the Hon'ble Chaudhri Lal Chand is equally strong when he relies upon the strength of population as well as relying upon the amount of taxation. Had his claim rested only on taxation there might have been difficult questions as to incidence of taxation, and so on. So long as the claim of population is concerned we have to remember that although more or less representation has been given in accordance with the population, a certain element of progressiveness has also to be maintained, and that's where the educational test and the claims of persons who aggregate in urban areas comes in. And to my mind it would be inadvisable to make a cut and dried division between urban and rural areas in that way, and to give the rural areas the benefit of all *kamins*, and so on, and to give them the benefit of over-riding the capitalists class. A more equitable way of dealing with the question, keeping in view the progressive nature of it, would be to give them some representation which would accord with the number of the agricultural classes after some reduction, that is to say, for the interests of population of big towns, educational interests, industrial development and progressive commercial interests, and so on. As I submitted before, as time goes on you will find that the distinction between rural area and urban area will tend to disappear. No doubt the conflict will be here as it has been elsewhere, one between landed interests and capital interests, and in course of time between labour interests and capitalism. But that is a thing still of the future. At present the interests should not be restricted to localities, urban and rural, but with reference to the landed interests and interests other than landed. And I think I am right in pointing out that 65 per cent. is the maximum to which we landholders can lay claim. If by mutual discussion we can come to some conclusion it would be a very good thing. We ought to proceed to the decision on this point in a practically business like manner, and it would be a great pity to my mind if on a really important question like this, especially in which we are rendering advice and no more, there were to be a divided house on the subject."

The Hon'ble Rao Bahadur Chaudhri Lal Chand :—"It will facilitate the discussion if I go on replying as arguments are advanced. My Hon'ble friend has laid stress on the position of the village shopkeeper. I fail to understand how my resolution places the village shopkeeper under any disability at all. My friend Mr. Fozl-i-Hussain's misapprehensions are quite unfounded. It would harm the village *buniah* more if he were separated from the village community and placed along with the townspeople. We give him the benefit of our roads, of our schools, of our hospitals to which he does not contribute at all. He has nothing in common with the towns and it is in his interests that his vote should be counted in the village where he resides. He is drawing water from our wells, his cattle is grazing on our land, he does not pay for that. His dead bodies are buried in our cemeteries. What would be his plight if we refused him these rights, I leave it to my friend to imagine. The same may be said about the village *kamins* also. They cannot be separated from the village proprietary body or agricultural body and they must be classed with them as villagers."

The Hon'ble Nawab Sir Bahram Khan spoke in Urdu a translation of which is as follows :—

"SIR,—There is no doubt that liberty and progress are heartily desired by every human being but it will be imprudent to overlook the point of the administration of the kingdom. I am, therefore, sorry to disagree with my Hon'ble friend in this resolution. In the Punjab the mode of life and

[*Nawab Sir Bahram Khan ; Diwan Bahadur Diwan Daulat Rai ;
Mr. Maynard.*]

social condition of the people of the rural areas is greatly different from that of the urban areas and I also am a villager. It is, therefore, necessary that the Punjab may try to acquire these rights gradually. In respect of the enlargement of the Council desired in this resolution, I beg to suggest, in accordance with my experience, rural life and having due regard to the administration of the province, that it may be enlarged but in a proper and suitable manner, so that it may contain one-third—rather a greater number of official members, one-third of elected ones and one-third of the nominated ones, and that the Muhammadan members should be nominated in proportion to the Muhammadan population in the Punjab. I also disagree in the proposal that the President may be elected by the Council itself but suggest that the Lieutenant-Governor or the Governor of the Province, who administers its affairs should be appointed as such. I am sure that the Council business will be properly conducted if European officers act as Presidents and Vice-Presidents."

The Hon'ble Diwan Bahadur Diwan Daulat Rai:—"I oppose the amendment of the Hon'ble Chaudhri Lal Chand. It seems to me that it will result in creating a kind of separation between the two sets of population which is not desirable in view of the principles of responsible Government which the authors had in view. I draw the attention of the Council to paragraph 231 of the Reform Scheme Report. It is not the same thing as the communal representation, but it is very nearly the same. The authors of the Report say:—"We regard any system of communal electorates, therefore, as a very serious hindrance to the development of the self-governing principle. Already communal representation has been actually proposed for the benefit of a majority community in Madras. At the same time we must face the hard facts. The Muhammadans were given special representation with separate electorates in 1909. The Hindus' acquiescence is embodied in the present agreement between the political leaders of the two communities. Muhammadans regard these as settled facts, and any attempt to go back on them would rouse a storm of bitter protest and would put a severe strain on the loyalty of a community which has behaved with conspicuous loyalty during a period of very great difficulty, and which we know to be feeling no small anxiety for its own welfare under a system of popular Government. The Muhammadans regard separate representation and communal electorates as their only adequate safeguards. But apart from a pledge which we must honour until we are released from it, we are bound to see that the community secures proper representation in the new Councils. How can we say to them that we regard the decision of 1909 as mistaken, that its retention is incompatible with progress towards responsible Government, that its reversal will eventually be to their benefits; and that for these reasons we have decided to go back on it? Much as we regret the necessity, we are convinced that so far as the Muhammadans at all events are concerned the present system must be maintained until conditions after, even at the price of slower progress towards the realization of a common citizenship. But we can see no reason to set up communal representation for Muhammadans in any province where they form a majority of the voters."

"Just the other day after the scheme was promulgated by the learned authors I happened to come across the opinion of Sir Ali Imam on this point. He is of opinion—these are the words he used:—"The Unity of sentiment, of consciousness, of identity and of interests will in time remove this necessity (the necessity of communal representation)" The point of view of Sir Ali Imam was that the principle of communal representation was bad. He agreed with the authors of the Report in denouncing this kind of electorate."

The Hon'ble Mr. Maynard:—"It is rather pity perhaps to go on discussing the question of communal representation on the question of urban and rural interests. In the United Kingdom there is a separation of urban and rural

[*Diwan Bahadur Diwan Daulat Rai ; Rao Bahadur Chaudhri Lal Chand ; Mr. Maynard.*]

areas, but no body would suggest that in the United Kingdom we had communal constituencies. There is a separation in the United Kingdom between urban and rural constituencies and there has been almost from the very dawn of representative institutions."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—" Quite so, but if such a thing as that can be avoided while we are working out the proposition of responsible Government in India it will be all the better. It would succeed in making both parties feel that their interests are the same. If that consciousness can be produced among both communities such a separation should not be made. I am putting it to the Council that if both the communities were to be made to feel that their interests were identical, that consciousness would be a very great asset in realizing the goal which has been put before the country.

" As regards certain arguments of detail which my Hon'ble friend Chaudhri Lal Chand has so eloquently put before the Council, I will say only a word. It is not a fact that it is only the small landed proprietor who has contributed to the success of the present war. Only the other day I was asked by the Deputy Commissioner, Shahpur, as to how many tenants of mine did go to the war from a particular village, and I reported through the Tahsildar that there were 4 out of every 7 of the population in one village. So it is not only the small landed proprietors whom my Hon'ble friend has got in view but in fact the tenantry as well."

The Hon'ble Rao Bahadur Chaudhri Lal Chand :—" I used the word 'rural' and not 'landed proprietors' when I referred to the services of villagers."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—" If that is so, the amendment proposed by the Hon'ble Ram Saran Das should have been accepted by the Hon'ble Chaudhri Lal Chand. Hon'ble Ram Saran Das's proposition was that the rural population should include that part of the population that takes part in agricultural affairs, that tills the land and does all other business in connection with it. The proportion in that case would, if I rightly understand my Hon'ble friend, runs to 69 per cent. of the population. In that case as Hon'ble Ram Saran Das has pointed out, the suggestion made by him would have been accepted but we find that that is a proposition which Hon'ble Chaudhri Lal Chand is not prepared to accept. On general ground I submit at this stage to create these divisions in the way and for the reasons given by Hon'ble Chaudhri Lal Chand would not conduce to the unity of all parties which we ought to have at the bottom of our hearts and which alone is likely to take us to the desired goal of the country. I may also add with your permission, Sir, that a large number of arguments which were advanced with some enthusiasm and passion need not blind us or carry us away by creating an impression for the time being. We should look deeply into matters and see whether it would be nicer to have both parties together, to consult interests of both and come to a common understanding with regard to their united interests. To go on creating dissensions would, I submit, not be conducive to the welfare of the population as a whole.

" It has been contended by my friend that the matriculates should not be counted ; merely because certain people have got education in schools that should not be an asset at all, but if my Hon'ble friend were to refer to the Report of the authors of the Scheme he would see that they preach education, they declare that with educational qualifications the people will be better able to look after their interests."

The Hon'ble Mr. Maynard :—" Had we not better postpone that until we get back to the question of franchise ? "

[*Diwan Bahadur Diwan Daulat Rai ; Pandit Jawahar Lal, Bhargava ; Rai Bahadur Bakhshi Sohan Lal.*]

The Hon'ble Diwan Bahadur Diwan Daulat Rai continuing said :—
“ With these remarks I oppose the resolution.”

The Hon'ble Pandit Jawahar Lal, Bhargava :—“ Sir, I entirely agree with the Hon'ble Diwan Bahadur Daulat Rai in his views expressed by him in opposing the resolution moved by the Hon'ble Chaudhri Lal Chand.

“ Sir, the conditions of the Punjab as are apparent to every on-looker are different from the rest of India. In the Punjab the contrast between the towns and the villages is not very marked. Of course there are some cities in which the population is fairly large and the population there does not contain a sufficient amount of admixture of the rural population, e.g., Lahore and Amritsar. All the other towns can hardly claim to be called purely urban. Thus under the present conditions it is idle to contend that there are any populations in towns or villages to whom adequate representation cannot be secured except through an unnatural and arbitrary division of electorates into urban and rural.

“ At present there is no such diversity of interest in general between rural and urban population, but the division proposed is sure to create and foster a spirit of rancorous animosity between these two which will eventually lead to undesirable consequences. I for one do not see what good purpose shall be served by arraying the rural and the urban population into two separate camps and making separate electorates for them.

“ Moreover it is necessary in the ends of harmony and mutual confidence that the rural and urban classes should learn to respect and co-operate with each other and the Government should not countenance proposals to further divide a people already rent asunder and torn into castes and creeds.

“ Further, Sir, the allotment of seats in proportion to population is out of the question in a province like the Punjab where the rural classes are not equally educated and for years to come will not come up to the level of the more intelligent urban population. The application of this principle proposed would bring down the more developed and intelligent urban classes to the strata of the rural population and this principle of distribution of seats will therefore not be equitable or fair but on the contrary unjust and harsh.

“ I would, therefore, urge that the electorates should be joint and that the number of seats should not be proportioned to population the qualifications for franchise should be one and the same for all classes and any difference in them which separate electorates are bound to occasion shall be fraught with mischievous results.

“ As regards the services rendered by the Punjab in the war to which reference has been made by the Hon'ble Chaudhri Lal Chand I myself have all along been claiming great credit for them and urging that the Punjab has contributed substantially to the success achieved, but I beg to point out that in deciding this resolution no distinction should be made between the urban and rural population respecting the number of seats to be allotted to each group on the score of the nature of the services rendered by the various classes as a whole.

“ No doubt the martial classes supplied men, but the trading and other classes, which could not supply men did not remain behind in doing what they could and came forward with their money which was as essential for the prosecution of the war as men. With these few words I oppose the resolution.”

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—“ I am also against the resolution.”

[*Syed Mehdi Shah ; Mr. Maynard ; Rao Bahadur Chaudhri Lal Chand.*]

The Hon'ble Syed Mehdi Shah :—“ I support the resolution.”

The Hon'ble Mr. Maynard :—“ I think we must divide the resolution into two parts. The first would be —

“ That this Council recommends to His Honour the Lieutenant-Governor to suggest to the Franchise Committee and to request the Governor-General in Council to provide that the electorates for rural and urban population in Punjab should be separate.

“ On the first part we have an amendment moved by Hon'ble Ram Saran Das, which is to substitute the word ‘agricultural’ for ‘urban.’ By that I understand Hon'ble Ram Saran Das does not mean the statutory agricultural tribes defined by the Act. What he does mean is the person who directly takes part in agriculture either as an owner or a tiller. Perhaps we ought to get down on record as to what is meant by ‘agricultural.’ I think it would be a good thing if Hon'ble Chaudhri Lal Chand can do so to explain in connection with his resolution precisely what he means by ‘rural’ and ‘urban.’ What I have understood is that rural population is the population which inhabits areas in which the numbers do not exceed 5,000. Is he content to put it that way ? ”

The Hon'ble Rao Bahadur Chaudhri Lal Chand :—“ Yes, Sir.”

The Hon'ble Ram Saran Das's amendment that for the words “urban and rural” the words “agricultural and non-agricultural” be substituted, the explanation of these terms being as already recorded, was put to the vote and lost, the numbers being 6 for and 8 against.

The resolution “that this Council recommends to His Honour the Lieutenant-Governor to suggest to the Franchise Committee and to request the Governor-General in Council to provide that the electorates for rural and urban population in Punjab should be separate,” was put to the Council and carried, 10 voting for and 4 against.

The second part of the Hon'ble Chaudhri Lal Chand's resolution No. 23 “that the number of allotted seats to each group should be in proportion to their population” was put and carried, 8 voting for and 6 against.

The Hon'ble Mr. Maynard :—“ We can now return to the question of franchise that is to say to resolution No 20 and I invite any further remark which the Hon'ble members wish to make. Before we begin to consider the question I might mention that there is one of those little points which members might like to consider. There is one particular class that some members might like to include. That is a rural class with a good deal of weight, I mean the Presidents of Rural Co-operative Societies. I merely mention them because they have not been so far mentioned. Then there is another thing to which I wish to draw the attention of the Council. Against it is a matter in which I have some special interest and that is that the mere standard of matriculation is a very low standard of education indeed. The boy who passes the matriculation is really only in his education equal practically to a boy who ought to spend another couple of years at school. It is a mistake to regard the matriculate as being really of the University standard. Everyone who knows what University work is like, knows that for the first two years after a boy has joined the University he is doing practically school work. And it is a question whether in including all matriculates the Council is not putting the educational qualification rather low. Of course the number is enormous. We know that last year 5,000 matriculated and we know it is not likely to diminish. It may possibly increase.”

[*Khan Bahadur Mian Fazl-i-Hussain; Mr. Craik.*]

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—“ On this resolution I wish to offer a few remarks. It is our belief that the franchise should be as broad as possible and keeping that principle in view the only limitation which we can permit on that principle is the one mentioned by the Hon'ble Mr. Craik, that is to say, rendering the election practicable. If the principle that the franchise should be as broad as possible comes into conflict with the actual holding of the election, then of course that principle must be waived.

“ Now I will make a few observations with reference to what has been said by the Hon'ble mover. First with reference to the ordinary disqualifications the Hon'ble mover thinks they are the same under the existing rules as prevail in all other civilised countries. I am afraid he is not quite right there. Probably the Hon'ble Mr. Ellis will be able to bear me out that the disqualification which prevails under the existing rules with reference to convicted offenders under the Criminal Procedure Code, does not prevail, for instance, in a country like England. There, I understand, a person who has been convicted say of assault or bribery and has got a sentence of imprisonment, as soon as he serves out his sentence of imprisonment, no disqualification is attached to him so far as his voting is concerned, but here the disqualification remains

“ Then the next question is that of age. One no doubt realizes that 18 is a low age, but I do not think really there is any ground for increasing the age from 18 to 21.

“ Then the Hon'ble mover took up the various items. Now it is obvious, Sir, that a land revenue qualification of Rs. 75 gives us 65,000 voters. Then the qualification mentioned in sub-section (b) every income-tax payer gives us 43,000 voters, but if there is a division between rural and urban areas then the number is only 21,000 and if the suggestion of Hon'ble Chaudhri Lal Chand is adopted, probably that 21,000 would be reduced to 15,000, or may be 16,000.”

The Hon'ble Mr. Craik :—“ The reduction would be very much greater. It would be reduced from 20,000 to 5,000 or 6,000.”

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—“ In other words the Hon'ble Chaudhri Lal Chand is trying to make election in towns an exceptionally easy matter, but there it is a constituency of five or six thousand voters distributed over a large number of cities. Only 5,000 voters as against in his own case 60,000 voters if the qualification is Rs. 75 but if it were reduced to Rs. 20 the exact figures are not available but the number of voters would be somewhere near 4 or 5 lakhs. I have not the slightest doubt that these 4 to 5 lakhs of voters will have a good time of it from Hon'ble Chaudhri Lal Chand and others seeking election at that time, but they will find it pretty difficult to satisfy all the voters. If the figure is reduced to Rs. 20 one may assume that the voters will not be far below 4 lakhs. In any case they will be above 3 lakhs, it is to my mind rendering the election more or less impracticable. I may here confess that I was absolutely ignorant till the Hon'ble Mr. Craik enlightened us of this fact. We were thinking of suggesting exactly the figure Hon'ble Chaudhri Lal Chand has suggested, viz, Rs. 20, not knowing that the numbers would be so large. To this have to be added the income-tax payers—again a number not less than 23,000 so far as rural areas are concerned. In one case we have only five or six thousand voters and in the other case we have more than 3 lakhs. To my mind that seems hardly reasonable.”

The Hon'ble Mr. Craik :—“ You are leaving out all the other classes.”

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—“ I am coming to them. Now take the other classes which might be called urban classes. So far as clause (c) is concerned that has been omitted. So far as (d) is concerned,

[*Khan Bahadur Mian Fazl-i-Hussain.*]

i.e., 'persons owning property worth Rs. 5,000 or more it is impossible to say what their number would be, but I think the Hon'ble Mr. Craik suggested that they would be about 30,000.' Thus we would have to add these 30,000 to 6,000, that makes 36,000. Then coming on to (e) 'every non-student matriculate' and so forth; and (f, and (g) one might easily omit, because there is bound to be overlapping between these and the income-tax payers or proprietors of houses, in any case the number will not be very large. So if the matriculate is excluded, the constituency for urban areas to my mind would be very, very small and could not be suggested to supply a strong basis for responsible Government. I would suggest, therefore, that there should be in the case of rural constituencies a raising of the standard and in the case of towns a lowering of the qualifications. To my mind Rs. 75 as proposed by the Hon'ble Bakhshi Sohan Lal giving 60,000 voters is plenty coupled with the income-tax payers which is another 23,000. That would make in all 83,000; to these may be added the Lambardars, although I am not particularly enamoured to the class though I belong to them myself; and the Presidents of the Co-operative Societies; and certainly Indian officers and Indian soldiers who have won distinction; and also wounded soldiers as suggested by Captain Gopal Singh; and title-holders. I think title-holders would come under some other qualification. I am diffident about Lambardars because it is not fair to make out that they are the representatives of villages because the hereditary nature of lambardari does render it more or less difficult to maintain the traditions of the family, especially when it is coupled with partition of the estate which the customary law involves. That is why in quite a large number of villages the Lambardar plays not even a second part in the village and sometimes is shunted off to a more backward position which even his official position is not able to make up and I suppose if the qualification is Rs. 75 very few Lambardars would come within it. Then I have no objection to the members of the district boards coming in, but I think it is hardly necessary to include Assessors as well. Now this will give a fairly large electorate so far as rural areas are concerned though the allotment of seats will not in all probability be with reference to population. Even then to my mind it is necessary to give further qualifications so far as urban areas are concerned. To my mind a qualification by way of payment of rent might be considered advisable and I throw out the suggestion for what it is worth. Those paying Rs. 5 or Rs. 10 a month as rent might also come in. I quite realize that that at present it is a class which cannot be defined and the strength of it is an unknown quantity, but it is a mere recommendation of mine and the Government will examine the suggestion in the light of figures.

"As to matriculates I do not think the figures given of an output of 5,000 a year need really frighten us the reason being this that quite 2,000 of these remain students for another 4 or 5 years. A matriculate as long as he is not 18, by the mere fact of being matriculate cannot be a voter and in all probability if he joins a college he becomes a graduate later on at the age of 19 or possibly 20. But if he moves out into the world and takes either to a profession or shop or anything else, there are two or three years to elapse before he is in a position to exercise his vote and then he has in all probability got on and is earning 20 or 30 or 40 rupees a month. I would suggest that the qualification of literacy should be given prominence in our franchise rules. I think it is in the interests of even rural areas. We know that intelligent persons from rural areas move to towns to make a name and fortune, so a qualification of that sort would certainly to my mind, especially when there is a differentiation between rural and urban representation, in no way militate against the interests of the rural population. So my answers with reference to these franchise questions are that I agree with what has been suggested by the Hon'ble Bakhshi Sohan Lal as to (a), (b) and (c) and I agree with the

[*Mr. Maynard ; Rao Bahadur Chaudhri Lal Chand ; Pandit Jawahar Lal, Bhargava ; Rai Bahadur Bakhshi Sohan Lal ; Rai Bahadur Ram Saran Das.*]

Hon'ble Chaudhri Lal Chand as to (h), (i), (l), (m) and the suggestion of Captain Gopal Singh with reference to wounded soldiers"

The Hon'ble Mr. Maynard :—"The method by which I propose to put this resolution would be to take each clause in succession and take the voting on each clause."

The Hon'ble Rao Bahadur Chaudhri Lal Chand :—"I would accept the dropping out of Assessors which has been proposed by the Hon'ble Fazl-i-Hussain.

"May I reply to one or two points which Hon'ble Fazl-i-Hussain has raised?"

The Hon'ble Mr. Maynard :—"Yes, if you will be brief."

The Hon'ble Rao Bahadur Chaudhri Lal Chand :—"The Hon'ble Fazl-i-Hussain has given figures comparing the voters in urban areas with the voters in rural areas. There are income-tax payers living in villages and similarly there are some land-revenue payers in towns. All my friends who have voted against the resolution and who are urban in their sympathies, own property in rural area and they will have a vote there; and so approximately we may say that the income-tax votes representing the urban votes and tax-payers of the same amount would represent the voters in rural areas. Now according to the figures supplied by the Hon'ble Mr. Craik there are 43,000 persons who pay over Rs. 20 income-tax. According to the resolution that has just been accepted by the Council they will have nine times the number of voters for rural areas. That would come to say 387,000. Well, my friend is alarmed at only three hundred thousand. He has used some arguments about our difficulties in securing votes, the same argument would apply to urban areas. Why is he anxious about adding to the number of voters in the towns? My position is simply this: our proportion is 9 : 1, let the number of votes be also 9 : 1. The same proportion may be kept all through."

The Hon'ble Pandit Jawahar Lal, Bhargava : "No formal amendment has been proposed as regards Municipal Commissioners."

The Hon'ble Mr. Maynard :—"I do not know if anyone is prepared to make a formal amendment."

The Hon'ble Pandit Jawahar Lal, Bhargava :—"Yes, I am. The Municipal Commissioner ought to be added."

The Hon'ble Mr. Maynard :—"Does anyone else wish to speak? If not, I shall take the voting. What I propose to do is, in the first place, to take the preamble and see if there is any variation of opinion regarding that."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—"The question was raised whether criminality should be defined."

The Hon'ble Mr. Maynard :—"Does anyone feel sufficiently strongly on the definition of criminality to make it a matter of definition? It will be a matter for lawyers to define. A general indication of your views at the present moment seems to be all that is wanted. And as regards insolvency, it is open to this Council in making its suggestions, to propose that the law should take a particular form. Then I may take it that this part of the resolution is agreed to and we can go on to the particular points."

The Hon'ble Rai Bahadur Ram Raran Das :—"May I suggest that one or two disqualifications may be added, for instance, a man who is deaf and dumb."

[Mr. Maynard; Pandit Jawahar Lal, Bhargava; Rao Bahadur Chaudhri Lal Chand.]

The Hon'ble Mr. Maynard :—“If we try to be too exhaustive, we shall never finish. We shall have to include those who, by religious persuasions, have renounced the affairs of the world, and so on. Does anyone, having regard to the serious limitation of time, wish to make this preamble more exhaustive than it is, by inserting any other disqualification? Then I pass on to the first qualification proposed.”

(a) Every Jagirdar or land revenue payer of not less than Rs. 75 per annum.

The amendment of Chaudhri Lal Chand that Rs. 75 should be altered to Rs. 20 was put and carried by 8 votes to 6.

(b) Every income-tax payer.

The amendment fixing the figure at Rs. 50 per annum income-tax was put to the meeting and lost by 6 votes to 8, and the substantive motion was carried to include every income-tax payer.

(c) Every person who pays a house or land rent of not less than the value of Rs 600 per annum.

The proposal was dropped by the mover.

(d) Every person who owns house property worth Rs. 20,000 or more, as amended by the mover to Rs. 5,000.

Was put and lost by 8 votes to 6.

(e) Every non-student matriculate or person holding a Punjab University Diploma on the Oriental side.

Put and carried by 9 votes to 5.

(r) Every person holding a title or honour conferred by Government and published in the Honours List.

Carried.

rbari.

Carried.

(k) Every Commissioned Indian Officer whether in service or retired.

Carried.

(i) Every Indian soldier who has won a decoration or is in receipt of a wound or injury pension.

Carried.

(j) Every Zaildar.

Carried.

(l) Every Safedposh.

Carried.

(l) Every Lambardar.

Carried.

(m) Every member of the District Board.

Carried.

(n) Every Assessor.

Was dropped.

The Hon'ble Pandit Jawahar Lal, Bhargava :—“I move that every Municipal Commissioner be added and also every member of a notified area.”

The Hon'ble Rao Bahadur Chaudhri Lal Chand :—“If you say every member of a local body it would be sufficient.”

[*Mr. Maynard ; Diwan Bahadur Diwan Daulat Rai ; Rao Bahadur Chaudhri Lal Chand.*]

The Hon'ble Mr. Maynard :—“ Does everybody accept that ? ”

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—“ No, we should have it explained.”

The proposal that every member of a municipal committee or notified area be added was put to the meeting and carried and also the proposal that Honorary Magistrates, Sub-Registrars and Presidents of Co-operative Societies should be added.

The Hon'ble Rao Bahadur Chaudhri Lal Chand :—“ Sir, the resolution which I have just risen to move is the natural corollary of the one which I moved a couple of hours before. In moving my resolution on separate and proportional representation of the rural classes I said a good deal which is also relevant to the present resolution. I will not waste the time of this Council by going over the same ground again. The resolution is—

“ 24. This Council recommends to His Honour the Lieutenant-Governor to suggest to the Franchise Committee and to request the Governor-General in Council that for seats allotted to rural population the candidates should belong to the statutory agricultural tribes of the Province.”

“ I said just now that this resolution is the natural corollary of the other resolution which I had the honour to move shortly before. In order to make separate representation of the rural classes effectual it is vital that the rural classes should be represented in this Council by men who have an intimate knowledge of their wishes and sentiments, who understand their needs best, and whose natural sympathies will be with them. If substantial benefit is to accrue to the rural classes from their separate representation that representation should be allowed through their own accredited agents.

“ The fairness with which my last resolution has been dealt by my Hon'ble colleagues assures me that my present resolution will receive the same considerate and sympathetic treatment. I feel deeply obliged to the members of this Council for their attitude towards my previous resolution and that attitude fills me with hope and optimism in respect of my present resolution.

“ Before I proceed to speak in detail on the resolution I may be allowed to say that the statutory agricultural classes form such an overwhelming proportion of the rural population that agricultural classes may safely be regarded as almost synonymous with rural classes and I will use the expression rural classes as synonymous with statutory agricultural classes and for the same reason I will use the expression ‘urban classes’ as synonymous with non-agricultural classes. That will make both for simplicity and brevity. This will look more appropriate as my resolution is designed to exclude those members of non-agricultural classes also who, while residing in towns, pay land revenue in rural areas.

“ I explained in my speech on the last resolution how the interests of the rural and urban classes were not always identical. I also pointed out how frequently there might arise a sharp conflict between these interests. Even where there is no conflict between the interests of the two classes but those interests are merely not identical, rural interests may suffer for the simple reason that representatives drawn from the urban classes do not appreciate the full significance or the real nature of rural interests. Without imputing any motives or lack of goodwill and sympathy one may be allowed to say that a townsman may fail to safeguard the interests of rural classes in this Council for mere lack of insight into those interests. Under the new scheme it is proposed to hand over very important functions to the elected representatives of the people and it is vitally important that the rural classes should have men from among themselves to look after their interests in this Council.

[*Rao Bahadur Chandri Lal Chand.*]

"When such important departments as Education and Sanitation which closely concern the moral, intellectual and physical well being of the community are to be administered by men chosen from among the elected members of this Council and when an increasing power of influencing the administration of all the other departments is to be given to this Council it is of the utmost importance that rural classes should be represented by men born and brought up in their midst. Furthermore when powers of taxation are to be granted to the representatives of the people the supreme importance of my resolution becomes apparent. Only those persons can be the best and safest representatives of the rural classes whose pockets will be equally affected with theirs by any measure or legislative enactment passed by this Council.

"The only objection that can be raised to my resolution is that the rural classes are so backward in education that their ranks may not be able to supply men possessed of the same mental equipment as we can get from among urban classes, and that the general efficiency of the administration may consequently suffer. To this objection my reply is that though rural classes are not educationally so advanced as urban classes but a sufficient number of highly educated men is to be found in the ranks of rural classes and it cannot be urged with reasonableness that that number will not provide a sufficiently wide choice to the rural electorate. I am quite prepared to admit that the field of choice will not be so wide as that in the case of the urban electorate and will be somewhat narrower than in the case in which a member of an urban class is allowed to stand for a rural seat but it will by no means, be so narrow as to justify rural seats being contested by men of an urban class. If the rural classes have actually produced men of recognised ability and superior intellectual calibre in the past such as the late Hon'ble Khan Bahadur Mian Muhammad Shah Din, there is no reason to suppose that in the future times of expanding education there will be any dearth of really capable men in the ranks of rural classes. Moreover I may be pardoned for saying that administrative talent and the capacity to understand and grasp firmly matters of high political import may, and frequently does, exist apart from high literary attainments. We all know that Maharaja Ranjit Singh, Emperor Akbar, Sivaji, Hyder and Tipu were never put through any regular course of literary education. In fact some of them were illiterate. Yet no one can deny that they understood affairs of State better than our best and most distinguished graduates.

"However let me admit that there is a risk of a certain amount of inefficiency creeping into the administration owing to the acceptance of the arrangement which I propose. Will that be a sufficient excuse for the rural classes being placed under the control of the urban classes? We as Indians have urged times out of number, and rightly too, that the risk of inefficiency in the administration cannot justly be allowed to stand in the way of the administration being entrusted to the people themselves. We have passionately appealed to the democratic principle that 'good government is no substitute for government by the people.' Are we going back on that principle when its application to the case of rural classes is to be decided? I hope not. I am sure my colleagues in this Council will not belie my faith in their consistency, and they will be found quite prepared to practise what they preach.

"I will discuss two points more before I close. It may be urged that if a sufficient number of votes is given to the rural classes there is no reason to suppose that men from the rural classes will not be returned in adequate numbers even if members from urban classes are allowed to stand for rural seats I am afraid there is every reason to apprehend that men belonging to the rural classes will have no chance of being returned under such an arrangement. Our past experience fully justifies this apprehension. The reasons for supposing that rural candidates will not succeed in a contest against members of urban classes

[*Rao Bahadur Chaudhri Lal Chand ; Rai Bahadur Ram Khan Bahadur Mian Fazl-i-Hussain.*]

are obvious. The urban classes are better organised for the purposes of election campaigns. Their wealth gives them another advantage. Their influence derived from divers sources which can be readily imagined also places them in a position of advantage.

"I have only one more point to discuss and clear. It may be said that my proposal is harsh to those who possess votes in rural areas but do not belong to an agricultural class. I admit that there is some harshness there. But no scheme, however skilfully devised, can secure absolute justice to every individual. We must do our best to secure the greatest good of the greatest number. My proposal is directed to that end, and, if there is a negligible minority who suffer under the arrangement proposed by me the defect must be accepted as an inevitable evil in the interests of the overwhelming majority. If you once allow a rural seat to be contested by a candidate who, though technically a member of the rural population, is urban in his sympathies and interests, all the evils sought to be remedied by a provision of separate and proportional representation of the rural classes through their own fellows come into play. I may also say that this harshness may be equalised by imposing a corresponding disability on members of agricultural classes possessing votes in urban areas.

"I have tried to be as fair as I can, and I hope my resolution will be approached by the members of non-agricultural classes in this Council in a spirit of generous catholicity and liberal sympathy towards the backward classes whose interests the resolution is designed to secure."

The Hon'ble Rai Bahadur Ram Saran Das :—"Sir, I regret I have to oppose this resolution most strongly. The Hon'ble mover seeks in this resolution to fetter the discretion of voters. He wants to destroy the voter's liberty of choice. The principle which he wants this Council to adopt is quite unheard of, and has been adopted by no civilised country in the world. I will be very glad if my Hon'ble friend will kindly tell us where he has taken this principle from. A voter X wants to be represented by B. Why should my Hon'ble friend seek to limit his sphere of choice, and force him to be represented by Z. The whole idea on the very face of it is unsound. I am sure this Council will not give an approval to such a principle. I oppose the resolution."

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—"I want to say a few words on this resolution. I have heard with great interest and greater astonishment the statements made by Chaudhri Lal Chand. He has made certain very serious charges against the community to which I and he both belong. I mean the members of agricultural tribes. He has practically urged that we are open to corruption and bribery by members of urban areas, both charges which I strongly repudiate. He has further urged that we are not able to take a keen interest in persons belonging to our community, and has thought fit to urge that as against a person belonging to an agricultural tribe of equal merit with a person who does not belong to an agricultural tribe, rural voters will have the wisdom or audacity to select an urban man against a man belonging to a rural area.

"I say these assumptions of his show that he has a very low opinion of the capacity, honesty, and I may say commonsense of persons living in rural areas. This is not all. He has gone a step further. The rural population is 18 millions, of which a little more than 10 millions are members of agricultural tribes. Because they are more in numbers than persons living in rural areas who are not members of agricultural tribes, it does not matter whether they own the land and till the soil, or whether they have sent soldiers to the Army, if they are not within that charmed circle of statutory agricultural tribe, they are no good, they cannot get elected. It is we, the chosen, who must get elected,

[Pandit Jawahar Lal, Bhargava.]

even if the voters have more confidence, more trust in persons who do not belong to the chosen tribe. Now that, I think, as has been very rightly pointed out, is fettering the discretion of members of agricultural tribes in the interests of some of those members of agricultural tribes who have not the courage to come into competition, even when the voters are their own brethren. That I do not think is in the interests of the agricultural tribes or of agriculturists or even of rural areas, although it may be in the interests of some of us, for whom it would be easier to get elected than it would otherwise be. Nor can it be said that members of agricultural tribes only are possessed of intimate knowledge of rural classes. We cannot conceive the possibility of denying this intimacy of knowledge of rural classes to agriculturists who are living in the same village and have the same capacities. Am I to understand that being a Jat or a Rajput is by itself a qualification to have intimate knowledge of agricultural classes? I do not see any other ground for the preposterous allegation that has been made by my Hon'ble friend. It is very curious that, on the one hand, he says the urban population has been swamping us and so on, and on the other he urges that because in rural areas the members of agricultural areas are larger in numbers, and though those who are in a minority are not in a very great minority, and though their interests may clash, as he admitted the interests of the bunnials do clash with the landed interests, yet he says for their representation we ought to get elected. A bunnial living in a village and possibly financing the whole village, and without whose help possibly a number of these wonderful agriculturists be starving, he cannot be a candidate, it is only the chosen who can be candidates. If I may be permitted to say so, I do not see any real, rational ground in support of such an allegation. Here I must ask the Council to remember that the definition of agricultural interests that he has given, that is to say, the interests of statutory agricultural classes (he says it is just the same to him whether he uses one word or the other, they are identical) is in conflict with what was stated this afternoon. So I strongly oppose this resolution and trust that the Council will oppose it."

The Hon'ble Makhdom Rajjan Shah speaking in Urdu opposed the resolution, urging that it would disqualify many possible candidates. The remedy he maintained was in the zamindar's own hands and there should be no restriction.

The Hon'ble Pandit Jawahar Lal, Bhargava :—"Sir, I oppose the resolution moved by the Hon'ble Rao Bahadur Chaudhri Lal Chand with all the emphasis at my command.

"The resolution in effect imports a condition precedent to the election of rural representatives to the Legislative Council, that they should be members of the statutory agricultural tribes. Though the resolution does not in so many words disenfranchise a vast portion of the population of the Punjab, yet it seeks to circumscribe their choice of their representative from out of the members of a privileged class essentially different from their own. Thus it imports a grievous disability upon the members of non-agricultural tribes.

"It is true that for purposes of protecting the lands of the agricultural classes from passing into the hands of the money-lenders, the Punjab Alienation of Land Act was enacted in the Punjab and certain tribes were declared for various reasons as agricultural tribes for the purposes of that Act; but I do not see any kind of similarity, correspondence or resemblance between the Alienation of Land Act and the Reform Scheme.

"Either the statutory agricultural classes have different interests which require representation or they have the same interests as the members of the non-agricultural classes. If the former is true and there is antagonism between the two interests, I cannot see how the Hon'ble mover can contend that members of agricultural tribes can represent the members of the non-agricultural tribes

[*Pandit Jawahar Lal, Bhargava ; Diwan Bahadur Diwan Daulat Rai ; Sardar Bahadur Sardar Gajjan Singh ; Rai Bahadur Bakhshi Sohan-Lal ; Khan Bahadur Khawaja Yusuf Shah ; Captain Gopal Singh.*]

and how can the members of the non-agricultural tribes confide in the members of the agricultural tribes for the representation of their contrary interests. If the latter is true, the bottom out of the resolution is taken away. I also do not find the population principle extended in this resolution to the members of the non-agricultural classes for an extension of which my Hon'ble friend was also anxious in reference to allotments of seats in rural and urban population. The arbitrary distinction of agricultural and non-agricultural classes should not be allowed to be extended to the system of representation in the Legislative Councils of the province. An extension of this principle shall be causative of positive harm and disservice to the province. The tyrannies of caste and colour lie embedded in this resolution which is against the fundamental principle of the Queen's Proclamation of 1858 and the spirit of the announcement of August 20, 1917. The poison of favouritism if once allowed to creep in shall corrupt the whole system and go against the basic principle of democracy.

"Are there any cogent reasons why the principle of self-determination claimed by the statutory agricultural tribes should not be claimed by the non-agricultural tribes. These tribes sought to be put by the resolution under an interdict have nothing in common except that they do not belong to the statutory class of agriculturists. They represent various castes and professions. They include the intelligent Brahman (old priestly class) cultivating lands also in various places, the bunniah engaged in money-lending and cultivation also in some places, the depressed Chamar and Chuhra serving the village and cultivating the land in most places, the carpenter, gold and ironsmiths, weaver, oilmen and various other craftsmen besides others too numerous to be detailed. A proposal like the one embodied in the resolution seeks to sow strife in peace and discord in harmony. The members of agricultural tribes would assume a rôle of undeserved superiority over the rest of the population—the industrial regeneration of which is the immediate care of the Government. With these few words I oppose the resolution."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—"Sir, I associate myself with everything that has been said by Pandit Jawahar Lal, Bhargava, and my friend the Hon'ble Mr. Fazl-i-Husain."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—"I support the resolution. As the time is very short I need not give my detailed reasons, which have been so ably given by Chaudhri Lal Chand."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—"According to the statistics which have been supplied, the agricultural and urban population which does not belong to statutory agricultural tribes is in the majority in rural areas. The effect of this resolution is to be that a member of this greater population is to be disabled from standing for the Legislative Council even if he has full qualification for being elected. And he is also debarred from voting personally in urban areas. So this larger population will be debarred from voting any from amongst themselves from the urban areas to the Legislative Councils and will have to elect out of the smaller numbers who belong to agricultural classes. I respectfully submit that this is against the principle of popular or responsible government announced in the report."

The Hon'ble Khan Bahadur Khawaja Yusuf Shah :—"I regret that I am not in favour of the proposal because it makes invidious distinctions. I think a voter should have liberty to vote for any man he likes. Why should his liberty be interfered with? On this ground I oppose the resolution."

The Hon'ble Captain Gopal Singh :—"The idea underlying the resolution is a very good one, and I support it with this amendment to be added

[*Rao Bahadur Chaudhri Lal Chand ; Khan Bahadur Mian Fazl-i-Hussain ; Mr. Maynard Mr. Craik.*]

after the word Province ' unless the candidate has a permanent residence in a rural area. ' ”

The Hon'ble Rao Bahadur Chaudhri Lal Chand :—“ I am quite prepared to accept the amendment, and the resolution, as amended, would exclude only those non-agriculturists who are not permanent residents of rural areas.”

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—“ An amendment at this time would waste a good deal of time.”

The Hon'ble Mr. Maynard :—“ I think what we want to do is to try and get something like an agreement.”

The Hon'ble Rao Bahadur Chaudhri Lal Chand :—“ My Hon'ble friend Mr. Fazl-i-Hussain has laid very great stress upon the services of those who are not statutory agriculturists. May I ask him what are those agricultural tribes who have enlisted during the present war and are not statutory agricultural tribes in the Punjab? There are none. All the statutory agricultural tribes have helped and no others.

“ About his remarks on bunniahs, I think, I need not say anything now as the amendment does not place them under any disadvantage at all ”

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—“ Is it a fact that a man can have permanent residence in more than one place ? ”

The Hon'ble Mr. Maynard :—“ I think so, I am an instance of that myself.”

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—“ It would mean that members of agricultural tribes who are living in towns will be excluded by this resolution.”

The Hon'ble Mr. Craik :—“ If they have a permanent residence in the village, they will not be excluded. A man could have a permanent residence in a village and in a town. In the United Kingdom it was quite common for a man to have qualifications in several constituencies.”

The Hon'ble Rao Bahadur Chaudhri Lal Chand :—“ This resolution does not affect those agriculturists living in town ; it affects only non-agriculturists who are not permanent residents in villages.”

The Hon'ble Mr. Maynard : “ Before voting on this proposal, it might be considered how the figures will work out. I understand what the Council proposed was a Council of 100 members, of whom 80 would be elected. It also proposed that in the allotment of seats, the allotment of the rural population should be in proportion to the numbers of the rural population. That worked out to something like 9-10ths of the area that was to be rural. Nine-tenths of 80 is 72. This would mean that in the case of 72 seats a person who was neither a member of a statutory agricultural tribe nor resident in a village would be non-eligible. That is a very large proportion. Surely one of the things the Council should think out is this. Do we, with our knowledge of what the rural conditions in the Punjab are, really think we can find 72-men of the character and intellect required for the Legislative Council, and find them after the complete exclusion of what may be called the urban classes? It works out to about 2½ per district. There are certainly some districts in which you could not find two or three men of this kind. In others there are no doubt more, but it is a question for this Council to consider whether it is not unduly limiting, absolutely depriving itself of the brain power which exists in the Province, because it is a mistake to regard brain power simply as an asset to the individual or the particular community to which he belongs. An

[*Rao Bahadur Chaudhri Lal Chand ; Mr. Maynard ; Khan Bahadur Mian Fazl-i-Hussain.*]

individual's brain power is an advantage to the community as a whole and the whole community should be prepared to take advantage of it."

The Hon'ble Rao Bahadur Chaudhri Lal Chand :—" We are not excluding agriculturists who live in urban areas and there are many of them. For instance, Mr. Fazl-i-Hussain is one of them. He would be eligible."

The Hon'ble Mr. Maynard :—" The only question is whether there are 72 in the Province. The proposal is—

" That this Council recommends to His Honour the Lieutenant-Governor to suggest to the Franchise Committee and to request the Governor-General in Council that for seats allotted to rural population the candidates should belong to the statutory agricultural tribes of the Province, unless the candidate has his permanent residence in a rural area."

The resolution was put to the meeting and lost by 8 votes to 6.

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—" Sir, I move the resolution No. 8 standing in my name, which runs as follows :—

" This Council recommends to His Honour the Lieutenant-Governor to represent to the Government of India that the proportion of Muhammadans in the Punjab Legislative Council as laid down in the Congress League Scheme be maintained.

" And I also include, on his behalf, part (c) of resolution No. 25 standing in the name of the Hon'ble Sayad Makhdum Rajan Shah, which is as follows :—

" This Council recommends to His Honour the Lieutenant-Governor to suggest to the Franchise Committee and to request the Governor-General in Council to provide that—

" (c) The proportion of Muhammadan elected members should be 50 per cent. or at least that fixed by the Congress League Scheme."

" There are certain questions which require elaborate discussion, in that one begins from primary principles and sees what conclusions are to be drawn, and how, by virtue of reasoning, one arrives at a particular decision. But this matter fortunately for me is not of that description. First we have the undertaking, given by several Viceroy's in succession, that the Mussalmans will have separate representation. Over and above that, representatives of both the great communities met two years ago at Calcutta and with reference to different Provinces, including ours, came to a certain agreement. That agreement was ratified at the Lucknow Conference. After the coming out of this Reform Scheme there have been a number of pronouncements on the subject. First the special All-India Congress held at Bombay ratified that agreement, that is to say, that the proportion fixed for Mussalman representation should be the same as was decided on at Lucknow. One might have thought that possibly the All-India Moderates' Conference might have differed from the other institution, but they also ratified it and passed a similar resolution. Then next in order of time came the Committee of the Imperial Legislative Council at Simla last September. They also in their report made the same recommendation as was made by the other two institutions. Then we take into consideration what has been done in other Provinces."

" In Bengal and in the United Provinces to my knowledge the proportion that was fixed for those Provinces has been ratified. The subject has been engaging the attention of the political institutions in this Province and the central institution in Lahore, and after consideration of the whole subject I may say that they also came to the same conclusions that it is in the best

[Sardar Bahadur Sardar Gajjan Singh; Diwan Bahadur Diwan Daulat Rai; Mr. Maynard.]

interests of all concerned that the agreements arrived at before the Reform Scheme should in no way be disturbed because of the Reform Scheme and that we should simply stick to them. In view of these facts it is not necessary for me to go into any elaborate details. I have not the slightest doubt that in a matter like this I will have the hearty support of my colleague Hon'ble Chaudhri Lal Chand who relies a great deal upon population figures. He also thought that in this matter the arrangement arrived at of 50 per cent. instead of 5 per cent. representation is by no means excessive. If anything, it is within moderate limits. As I have said it is not any particular principle except that principle of settling disputed points that this belief is reached. There may be men amongst us who say that communal representation is not an ideal thing at all. I am one of them myself, but if this is my personal opinion I frankly say that this is not the opinion I share with my co-religionists at all. They have thought that at this stage of their development if they did not get communal representation they will suffer very much. And if I were to observe on their behalf that there should be a common electoral roll I would not be stating their views. They want separate communal representation with a separate electoral roll, and as I have said the political institutions of this Province have agreed to let them have this in view of the fact that this was the arrangement arrived at between them before the Reforms Scheme was proposed. I trust that this Council like the Councils of United Provinces and Bengal will see its way to concede what has been done elsewhere."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—" Upon this resolution, Sir, I take the liberty of pointing out to this Council that the understanding arrived at by the Congress and Muslim League entirely ignores the existence of my community. My community was not there."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—" They called you Hindus there."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—" My community was not represented, and it is clear that it is not binding in any way on my community. I would claim that one-third of the seats should be allotted to Sikhs, and for the remainder I would have no quarrel if Hindus and Muhammadans divided them equally."

The Hon'ble Mr. Maynard :—" I do not want to interfere unduly with the Hon'ble Member, but I presume what he wishes to demonstrate is that the inclusion of Muhammadan representation should be made after allowing for the election of the Sikhs. So far as it is necessary to demonstrate that the Sikhs should have a claim to a number of representatives, this has relevance. But I hope the Hon'ble Member will endeavour to confine his speech within limits."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—" I am quite prepared if you will take my speech as read."

The Hon'ble Mr. Maynard :—" Of course the resolution is that a certain number of seats should be allotted to Muhammadans. I understand your proposition is that that should be done after the allotment to the Sikhs."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—" And that I claim to be one-third of the elected seats."

The Hon'ble Mr. Maynard :—" May I suggest that as an amendment to the present resolution the appropriate way to put is to add 'after making the allowance to which the Sikhs are entitled'? It is one thing for us to admit that this proportion should be subject to the allowance made for Sikhs and another thing to admit that the particular proportion for Sikhs should be one-third."

[Sardar Bahadur Sardar Gajjan Singh ; Mr. Maynard ; Khan Bahadur Mian Fazl-i-Hussain ; Rai Bahadur Ram Saran Das ; Rao Bahadur Chaudhri Lal Chand.]

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—" My object is to bring to notice that we have been promised separate communal representation and therefore this resolution should be considered subject to that right, and further that we should get one-third."

The Hon'ble Mr. Maynard :—" I think if you want to claim one-third you will have to make that a separate resolution. What I must ask the Hon'ble member to do is to put his amendment in this form that the proportion to which Muhammadans are entitled should be calculated after allowance for the claims of the Sikh community."

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—" But that is assumed in my resolution. My resolution does not say that 50 per cent. should be given to Muhammadans and nothing to Sikhs."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—" I merely say that our claims should be taken into consideration. When this was decided upon, Sikh interests were not taken into consideration at all."

The Hon'ble Rai Bahadur Ram Saran Das :—" Does the Hon'ble Mr. Fazl-i-Hussain mean that Hindus should get only 20 per cent. ?"

The Hon'ble Mr. Maynard :—" The whole tenor of what the Hon'ble member said showed that he wishes that a certain proportion should be allotted to Sikhs and a certain proportion to Muhammadans, but not that the Hindus should get only what was left. I will ask the Hon'ble member either to move a direct negative to this resolution, which in many ways would be a very good solution, or to put his amendment without endeavouring to name a particular proportion of Sikhs."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—" I submit that this resolution should be considered subject to the reservation that Sikhs have to be provided with seats and the number of that I claim should be one-third."

The Hon'ble Mr. Maynard :—" When you put this figure one-third we know it is impossible that the other communities will agree."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—" This is the claim of our community, and I cannot go back upon that. I have no power to do so."

The Hon'ble Mr. Maynard :—" I think I must definitely rule that on a motion fixing the proportion of Muhammadan seats, a motion to determine the Sikh seats is out of order."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—" Then will you allow me to put in a separate resolution ?"

The Hon'ble Mr. Maynard :—" You cannot at this stage send in a separate resolution."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—" You have suspended the rules of business, and taking advantage of that this might be allowed a separate resolution having regard to the importance of the point."

The Hon'ble Mr. Maynard : " I think perhaps the Hon'ble member may be allowed to move a separate resolution, as the rules of business have been suspended."

The Hon'ble Rao Bahadur Chaudhri Lal Chand : " As has already been pointed by my Hon'ble colleague on the left, the Congress League Scheme is not binding upon us. My Hon'ble friend the mover's case is strong on other claims. If I remember right the Muhammadan population of the Punjab is over 50 per cent., and his demand is a very modest one. I do not believe that the bread given to the Central Provinces or Bengal Muhammadans would fill the belly of the Punjab Muhammadans."

[*Diwan Bahadur Diwan Daulat Rai ; Mr. Maynard ; Sardar Bahadur Sardar Gajjan Singh ; Mr. Craik ; Khan Bahadur Mian Fazl-i-Hussain ; Rao Bahadur Chaudhri Lal Chand.*]

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—"Sir, I also support the resolution and I beg to make a few remarks. On principle I am against this resolution, and as has been pointed out it was held by the authors of the scheme that any such communal representation would be a serious hindrance to self-government in India, but owing to the several pledges given by higher authorities they gave in. And though on principle, as I said before, I would have opposed it, but because I know the leaders of both the great communities in India have come to this understanding by way of compromise that such representation should be allowed, I agree that it should be supported, and that the Congress League Scheme should be adopted."

The Hon'ble Mr. Maynard :—"What I had in view was that Hon'ble Sardar Gajjan Singh's amendment should take some form as 'that whatever reservation was allowed to the other communities, a due reservation should be made for the Sikh community.'"

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—"But if this amendment is accepted, how do you get over the practical difficulties? The acceptance of this resolution would bind us."

The Hon'ble Mr. Craik :—"I should like to point out that if this resolution is accepted, the effect would be that subject to the just claims of the Sikhs, Muhammadans would receive 50 per cent. of the seats and a further effect would be that you would have communal representation for all three great communities. There are only the Hindus left and that would mean communal representation all round. If Hon'ble Members present here accept that principle they might go on arguing the whole night, but there is no prospect of their agreeing as to the proportion of seats for each community. Why not pass a resolution saying that the principle of communal electorates is accepted and leave the details to be settled by the Franchise Committee which, as you know, is an impartial body and will attach due weight to your resolutions?"

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—"I am afraid the suggestion made by the Hon'ble Mr. Craik is not acceptable to me."

The Hon'ble Mr. Craik :—"Do you prefer to keep on arguing?"

The Hon'ble Khan Bahadur Mian Fazl-i-Husain :—"The arguments so far as this resolution is concerned are over."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—"Sir, with your permission, I shall move a separate resolution about the number of Sikh seats. Now I beg to propose this amendment; that the words 'subject to the just claims of the Sikhs' should be added."

The Hon'ble Mr. Maynard :—"Perhaps the Hon'ble Mr. Fazl-i-Hussain will accept that."

The Hon'ble Khan Bahadur Mian Fazl-i-Husain :—"No, Sir, I cannot put in a sentence which I fail to understand."

The Hon'ble Mr. Maynard :—"Then I will put it to vote."

The Hon'ble Rao Bahadur Chaudhari Lal Chand :—"I would add 'subject to the just claims of the Sikhs as well as Hindus.'"

The Hon'ble Mr. Maynard :—"I am going to make a sort of an appeal to you. I want you to remember one of the charges brought against Indian public men. One of the reasons which have always been advanced or not giving them the management of their own affairs is that whenever sectarian

[*Diwan Bahadur Diwan Daulat Rai ; Mr. Maynard ; Khan Bahadur Mian Fazl-i-Hussain.*]

questions are raised they find it impossible to be reasonable, or to agree in any way, and therefore it is necessary for us, impartial people, to step in and decide questions which the people have shown themselves incapable of deciding for themselves. Now if you are willing on this important occasion which necessarily goes to form part of the history of this country, if you are willing to leave on the minds of all the impression that you have shown yourselves unable to come to any agreement on this question, then you will have condemned yourselves, and you will have justified those among ourselves who contend that Indians really are not fit to manage their own affairs, because they cannot consider sectarian questions in an unbiased spirit. I appeal to you, therefore, in your interests and in the interests of the representation not to allow such an impression as this to gain ground. It is perfectly obvious that if this amendment of Sardar Gajjan Singh is laid before this Council, simply because there are only two Sikhs that it will be lost, nevertheless it is equally obvious that whatever it may be in form it is in substance and spirit a perfectly just and fair claim. I ask you what will be the impression if a claim just and fair in substance but not in form has been rejected by a majority of the Indian members. Will it not create the impression that the same thing has been proved again that you have again shown yourself unable to approach the question fairly? Therefore I appeal to you to enable us to pass a general resolution leaving this vexed question to men who can be regarded as impartial arbiters."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—"The only difficulty arises from the fact that the majority of Hindus do regard the Sikhs as belonging to their own community."

The Hon'ble Mr. Maynard :—"May I again point out that there are two views about this question? We know many Hindus do regard the Sikhs as a portion of them and probably are vexed because the Sikhs do not take this position. We also know that some Sikhs take that view and some do not. We have got to take a position which will enable us to understand the standpoint of our neighbours."

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :—"I am afraid, Sir, that there is on this question some misapprehension in the mind of the chair. It is not a point on which any particular fanaticism is being shown which would go to the length of condemning the Indians for being not practical. I can assure you that this question has been considered in a number of political bodies of Indians with a great deal of sobriety and an attempt has invariably been made to come to a certain decision. The absolute aloofness of the Sikh community relying not so much on their rights as upon hopes of favouritism has led them to refuse to discuss this question in any form whatsoever with anybody of Indians. Under the circumstances to say that now under your guidance we should show practical sense by coming to a conclusion when demands so preposterous as those which have been made here on representation are put forward, cannot possibly leave any choice either to Hindus or Muhammadans to think of the possibilities of a compromise being arrived at. You say that it would be best to leave the matter to impartial persons. Undoubtedly. The matter cannot but rest with these impartial persons, whatever the recommendations of this body may be. I believe majorities, whether Indians or belonging to other countries, more or less tend to tyrannise over minorities. Those persons who spoke about representative franchise this afternoon felt that the majority was tyrannising over them, and I have not the slightest doubt that knowing the figures as we did your sympathies were with the minority. So my submission is that this resolution which has been passed by other Councils which have a minority of Muhammadans and which was confirmed by the

[*Mr. Maynard ; Diwan Bahadur Diwan Daulat Rai ; Khan Bahadur Mian Fazl-i-Hussain.*]

Imperial Legislative Council is surely not such a resolution the passage of which could cause so much difficulty in this Council."

The Hon'ble Mr. Maynard :— "I am afraid in view of the attitude of the Council as a whole nothing remains but to proceed formally and put the amendment to the Council. The amendment is that the words 'subject to the just claims of the Sikhs' be added to the resolution."

The amendment was put and lost by 6 to 2 votes.

The Hon'ble Mr. Maynard :— "I shall now proceed to put the resolution."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :— "There is some misapprehension in the minds of some of us in regard to whether the proportion of Muhammadan elected members should be 50 per cent., or that fixed by the Congress League Scheme. The Congress-League Scheme put forward certain conditions. Does the Hon'ble Member accept those conditions?"

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :— "Yes."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :— "We might add the words : 'subject to those conditions'."

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :— "Yes, my resolution says : 'the proportion fixed in the Congress-League Scheme.' Ordinarily I would not have referred to that scheme at all."

The Hon'ble Diwan Bahadur Diwan Daulat Rai :— "You might say : 'fixed by the Congress-League Scheme subject to the conditions mentioned therein'."

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :— "I agree."

The resolution as amended was put and agreed to.

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain.— "So far as resolution No. 5 is concerned I have had cause to find out that the vast majority of members of this Council are in favour of it. That was the one point in the Reform Scheme on which all agreed—moderates, extremists, etc.

The Hon'ble Mr. Maynard.— "At present the Government of India is supposed to retain a species of general control and to be for the present at all events outside the sphere of popular control which is conceded to the Provinces. So long as the Council has appreciated the facts that this change would be a far-reaching one, I do not know of any reason why it should not be discussed and a resolution passed on the subject."

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain :— "I beg to move the following resolution :—

"This Council recommends to His Honour the Lieutenant-Governor to represent to the Government of India that a system of Reserved and Transferred Subjects similar to that proposed for the provinces be adopted for the Government of India."

"You will see that this resolution is worded very modestly, that is to say, there is no attempt made to demand that a large number of subjects be transferred at once to popular control but it does require that something even in the Government of India should be handed over to popular control. The subject has been thoroughly discussed in the political assemblies, in the Imperial Legislative Council and in the Press and arguments for and against it have been given. We realize that the Home Member and His Excellency the Viceroy did state : 'We have gone in this scheme as far as it is possible for

[*Mr. Maynard ; Diwan Bahadur Diwan Daulat Rai ; Rai Bahadur Bahkshi Sohan Lal ; Rai Bahadur Ram Saran Das.*]

us to do and we do not favour any further advancement.' But still in spite of that statement we have considered it highly desirable to press for consideration this further advance which we think is absolutely necessary in order to put an appropriate interpretation on the announcement of 20th August, 1917, and we claim that the gift of responsible Government, the first initial stage of it, cannot be considered substantial until this particular claim of ours has been made and has been granted. As I said there is no difference of opinion amongst Indians on the subject. Political workers of all shades of opinion are agreed that a beginning must be made. With these few words, with your permission, I place this resolution before this Council."

The Hon'ble Mr. Maynard :—" Does anybody wish to speak on that ?"

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—" As pointed out by the Mover, parties of all shades of opinion have come to this conclusion, and it seems to me that it would be more consistent with the pronouncement of 20th August, 1917, to have a beginning made with the Government of India, because the responsibility was to be given in the matter of government in India. No reason has been given by the learned authors beyond saying : ' Let us see how the scheme works in the provinces.' But I have no doubt that in giving the proposition further consideration they would agree that the people should be trusted with the charge of these transferred subjects or some of them, if not all. And they have a wider choice to make as regards the persons who may be fitted to take charge of these subjects than the Provincial Councils have. My submission is that the resolution is such that it requires no further comment and I support it."

The resolution was put and agreed to.

The Hon'ble Rai Bahadur Bahkshi Sohan Lal :—" Sir, I beg to move resolution No. 22 which stands in my name. It runs as follows :—

" That this Council recommends to His Honour the Lieutenant-Governor to kindly submit its opinion to His Excellency the Governor-General in Council that the Council should be empowered to frame its own rules of business and rules for putting questions, moving resolutions and discussion of the annual budget."

" Having regard to the principles of provincial autonomy and to the principle of responsible Government I do not think there should be any difference of opinion on this question that the Provincial Legislative Council should have power to frame its own rules of business. It is a very simple question and does not require any breath of argument to convince Hon'ble Members of this Council who have to meet the difficulties in discussing the budget every year and find how defective and unsuitable the rules framed for the Council are so far as the budget discussions are concerned. I submit that this resolution be passed."

The resolution was put and agreed to.

The Hon'ble Rai Bahadur Ram Saran Das :—" I beg to move the resolution No. 2 which stands in my name. It is as follows :—

" This Council recommends to His Honour the Lieutenant-Governor to bring to the notice of the Governor-General in Council and through him of the Secretary of State for India, that this Council is of opinion that the Provincial contribution from the Punjab to the Government of India, as suggested in the Report on Constitutional Reforms, is very excessive tending to mar the future development of the Province, and that some other suitable arrangements should

[*Rai Bahadur Ram Saran Das.*]

be made to put the system of Provincial contributions to Government of India on an equitable and fair basis'.

"Sir, one of the most important features of the New Reform Scheme is the abolition of the divided heads. It is proposed to retain the Indian and Provincial heads as at present, but to add to the former income-tax and general stamps, and to the latter land revenue, irrigation, excise, and judicial stamps. If this is done no heads will then remain divided. But when all the sources of revenue have been thus completely distributed between the Provincial and Central Governments, there would be a large deficit in the Government of India's budget. The gross provincial revenue, as based on the budget figures for 1917-18, when all divided heads have been abolished, was estimated by the authors of the Scheme to be rupees 68 crore 28 lakhs. The gross provincial expenditure was estimated at the figure 52 crore 64 lakhs. This leaves rupees 15 crore 64 lakhs as the gross provincial surplus, which is at present kept by the Government of India. If the divided heads, as proposed by the Scheme are abolished, the Government of India deficit amounts to rupees 13 crore 63 lakhs. The problem before the authors of the Scheme was to make good to the Government of India this deficit. Many Indian publicists have been of the opinion that this deficit should be made good by means of contributions from provinces. Some calculated these contributions on the basis of population, others on revenue, while still others on expenditure. Under the present Indian condition it must be freely admitted that there are defects inherent in all these proposals. Whether the contributions are fixed on the basis of population, gross provincial revenues, or gross provincial expenditure, the provinces of Bombay, Central Provinces, Behar, Bengal and Assam in providing Government of India contributions are faced with heavy deficits in their own provincial budgets. It is, therefore, evident that under the present circumstances at least, the fixing of provincial contribution to Government of India on the basis of population, revenue, or expenditure, is not practical politics. Presumably it is for these reasons that the authors of the Scheme have not adopted these bases. But, Sir, the scheme now proposed also suffers from a grave defect. The Government of India contributions are proposed to be fixed on the basis of provincial surpluses and every province is asked to contribute 87 per cent. of its surplus. There are two serious objections against this proposal. It must be pointed out that the provinces which have large revenues and low standard of expenditure naturally have large surpluses. It is very unfair to take advantage of this circumstance, and I hope it is not right to tax those provinces which have economical administrations. These are the provinces that stand in need of development to the greatest extent, and yet it is they who are called upon to furnish the largest contributions. Again looking at the problem from another point of view the provinces that have been most extravagant in raising their standard of expenditure are under the Scheme favoured to the greatest extent. They are to supply the smallest contributions. Sir, the financial proposals made with respect to provincial contributions to Government of India are very prejudicial to the provinces of Madras, United Provinces, and the Punjab, and these are exactly the provinces which require the greatest development in the future. The Punjab has yet to make gigantic efforts in the fields of mass education before it can approach the standard reached by other provinces. Our mortality figures are appalling, and our industries are in the most rudimentary conditions. Unless large sums are put at the disposal of the Punjab Government for expenditure on education, sanitation, and encouragement of industries, I fear the Punjab must for many years to come remain a backward province. Sir, under the present scheme the Punjab gets only 32 lakhs out her gross provincial surplus of 250 lakhs for expenditure on her future development. Had the provincial contribution been calculated

[*Bai Bahadur Ram Saran Das.*]

on the basis of gross provincial revenues the net-provincial surplus in the Punjab would have been 78 lakhs. If gross provincial expenditure had been fixed as the basis, our surplus would have been 91 lakhs. If the contributions were fixed *per capita*, that is, on the basis of population, that would have been the most advantageous for us, for then we would have obtained for our future development 140 lakhs. These figures, Sir, make us realize to what an extent Punjab is likely to suffer under the proposed scheme of provincial contributions.

"Sir, personally speaking, I don't like this idea of provincial contributions to the Government of India. In my opinion these contributions are, as stated by the authors of the report on decentralization commissions, more or less in the nature of tribute paid by the Local Governments to an outside administration. To my mind this whole idea of contribution or assignments or whatever you may call them, from one side or the other is entirely wrong. Had India been free to adopt protective tariffs like Australia or Canada for the purpose of protecting its nascent industries, this question of contributions would have never arisen. The Central Government would have been in a position to raise sufficient funds from custom duties for carrying its administration, and these provincial surpluses could then have been left with the provinces for their own development. But as things are at present, and until India becomes fiscally autonomous, the Central Government must depend on provincial contributions, and as a matter of practical politics we must devise some equitable scheme of contributions. On theoretical grounds our aim should be to fix on the principle of ability to pay, that is, on gross revenues. Any scheme that is constructed should keep this principle in view. If it is not immediately practicable, the scheme should automatically tend to move towards this ideal. There are only two ways for bringing this about. The first concerns the Government of India and the other the deficit provinces of Bengal, Behar, Central Provinces, Bombay and Assam; may I ask whether it would not be feasible to require the Government of India to hand over its surpluses in future years to the three provinces of Madras, United Provinces and Punjab that have suffered most under the proposed scheme? I hope this could be quite practicable, and I am sure this scheme would to some extent remove the present inequalities. Again I would propose that the contributions from the deficit provinces, Assam, Bengal, Behar, Central Provinces, and Bombay should be gradually raised, and such increase be distributed among the provinces of Madras, United Provinces and Punjab. Since immediate removal of inequalities would cause catastrophic changes, let us then in order to gain our object gradually fix a period during which they must be removed. Such things, Your Honour, have been done in other parts of the British Empire also. The case of Western Australia in the federal commonwealth of the Southern hemisphere is in point. If, for instance, 20 years were fixed for this purpose, the scheme of increased contributions works out in this way:—Taking the case of an individual deficit province, we find that on the basis of gross provincial revenues, Bengal ought to contribute 150 lakhs to the Government of India. She is actually proposed to contribute 69 lakhs. My proposals would result in the increase of this contribution by 4.1 lakhs every year. Again Bombay should on the same basis contribute 200 lakhs. The contribution from her is fixed at 88 lakhs. My proposals would result in the increase of this contribution by 5.6 lakhs every year. In this way within 20 years, I am confident, the cost of Government of India will come to be equally placed on all provinces. Your Honour, I throw out these suggestions for what they are worth. I have not incorporated these suggestions in my resolution, because I do not want to fetter the Government in their discretion. The actual details of the scheme are to me not material, so long as the provincial contributions are fixed on equitable basis. It is for the Executive Government to work out the details. This Council is only concerned,

[Rai Bahadur Ram Saran Das ; Captain Gopal Singh.]

in indicating the principles on which things should be done. Your Honour, I would ask the Government to make strong representations in this matter, and would ask for a favourable treatment for this province. I hope my demands are not unreasonable, and I am sure men belonging to all shades of opinions, and to all parties approve of what I have urged in my resolution. With these words, Sir, I commend the resolution for the favourable consideration of the Council.

Provincial contributions to Government of India.

	ON BASIS OF				NETT BASIS.			
	Surplus.	Population.	Revenue.	Proposed.	Population.	Revenue.	Expenditure.	Proposed.
Madras	491	235	266	428	256	225	274	63
Bombay	101	— 111	— 200	88	— 10	— 99	— 282	13
Bengal	79	— 258	— 150	69	— 179	— 71	— 98	10
United Provinces ...	375	267	224	327	108	151	182	48
Punjab	250	110	172	218	140	78	97	32
Burma	161	69	154	140	92	7	4	21
Behar	45	— 195	— 81	39	— 150	— 36	— 48	6
Central Provinces ...	41	— 79	— 82	36	— 38	— 41	— 54	5
Assam	21	— 189	— 34	24	— 18	— 18	— 18	3
Total	1,564	1,368	1,363	1,363	201	201	201	201

The Hon'ble Captain Gopal Singh :— "It is quite reasonable and just that every Province should be equally treated in the question of contribution to the Central Government. It is improper that those Provinces which by their economy save money, should give their surplus money to other Provinces. I think that no right thinking men of other provinces should be justified to think to benefit themselves at the cost of other province, which is, in all respects poorer, smaller than the other provinces. I am unable to understand this theory that while the time of services and sacrifices came our province is on the top, and when the question of grants of rewards or other privileges is considered the Punjab does not get its due share. Again when the question of contributions to Central Government comes, greater share is demanded from us.

"About the services, sacrifices and importance our popular Lieutenant-Governor has said enough in his speech delivered in the Imperial Council at Simla in September 1917. I need not add anything to it.

"The Punjab requires more money for its own development, improvement in sanitation and education. The contribution to Imperial Government should either be made on the basis of their population (i.e., per head) or on the basis of revenue. The figures have already been given by my Hon'ble friend Rai Bahadur Ram Saran Das, the mover of the resolution. On these grounds I give my strong support to the resolution which has been so ably moved by my Hon'ble friend."

[*Sardar Bahadur Sardar Gajjan Singh ; Rao Bahadur Chaudhri Lal Chand Pandit Jawahar Lal, Bhargava ; Rai Bahadur Bakhshi Sohan Lal ; Mr., Lumsden.*]

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—“ I support the resolution. The arrangement proposed by the learned authors is very unfair to the Punjab and in fact to all other provinces which have got surpluses and have exercised economy in the administration of their expenditure. It must at once be admitted that all provinces should be placed in the matter on a basis of equality. To my mind, as has been pointed out by my friend the mover of the resolution, the deficit which is to be made up is about 20 per cent. of the gross revenue. Therefore it is only just that all the provinces should contribute to that 20 per cent. or as has been said, let every province according to the strength of its population. Take the case of Bengal. They are claiming larger concessions and larger number of seats and so on, on the ground of population. Let them bear the burden proportionate to that larger population. Then as regards Bombay and Bengal, our province is very poor, and it will take a long time for us to reach their standard of efficiency in education and sanitation. Therefore it is only equitable that some more suitable scheme should be devised if the provinces are to pay 20 per cent. ”

The Hon'ble Rao Bahadur Chaudhri Lal Chand :—“ Sir, the resolution which has been so ably moved by the Hon'ble Rai Bahadur Ram Saran Dass will, I am sure, receive general support. I think the Hon'ble mover has done real service to the Province by putting this motion for consideration. A mere glance at the comparative table would show the justice of our claim. If the motion is not accepted, it would mean that we will be saving and toiling for other provinces in future also.

“ That our contribution to the Imperial Government should be more than three times that of Bengal and more than twice that of Bombay is simply unjust.

“ If Bengal have to pay less on account of their permanent settlement let them content themselves with less equipped schools, less beautiful roads and with less salaried officials than our Province.

“ I fully associate myself with the remarks made by Hon'ble Sardar Bahadur Gajjan Singh, and give my full and whole-hearted support to the motion. ”

The Hon'ble Pandit Jawahar Lal, Bhargava :—“ I also support the resolution. ”

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—“ I also support the resolution. ”

The Hon'ble Mr. Lumsden :—“ I should like to say a word on this resolution. Needless to say, having spent my life in the Punjab I have certainly no wish to see the Punjab robbed at the settlement in any way. But I do not know whether Hon'ble Members have quite realised the difficulty of making an equitable settlement in view of existing inequalities. Before any equitable settlement can be made, some method must be found of removing the existing inequalities, and that is the difficulty which has faced the joint authors of the scheme and that difficulty they frankly admit. Another point which perhaps has not been noticed is that these figures, on which the elaborate calculation which my friend Hon'ble Ram Saran Das has made out, are not the figures on which the settlement was made or not necessarily so. And this Council has already protested against these figures being taken for the standard. The Hon'ble Members will remember that during the year in question in which these figures were taken we curtailed our expenditure to the utmost possible extent in view of war conditions, and it so happened that the revenue of that year was very satisfactory and the difference probably on an average of years would be considerably less between

[*Diwan Bahadur Diwan Daulat Rai ; Mr. Lumsden ; Mr. Maynard ;
Sardar Bahadur Sardar Gajjan Singh.*]

revenue and expenditure. I think it is rather a pity if I might make the suggestion that nothing has been said in the resolution as to a remedy. Members might like to suggest some indication of the remedy which might be adopted to be incorporated in the resolution "

The Hon'ble Diwan Bahadur Diwan Daulat Rai :—" I hope the Hon'ble Member will take an opportunity later on of indicating what method he would like to be adopted."

The Hon'ble Mr. Lumsden :—" I think the joint authors of the scheme would be very glad to get an indication."

The Hon'ble Mr. Maynard :—" I think we may take it that the resolution has been unanimously carried.

" There only remains the resolution of Hon'ble Sardar Gajjan Singh on the subject of Sikh representation."

The Hon'ble Sardar Bahadur Sardar Gajjan Singh :—"The resolution I beg to move runs as follows :—

"That this Council recommends to His Honour the Lieutenant-Governor to kindly submit its opinion to the Franchise Committee and to His Excellency the Governor-General in Council that in the Punjab one-third of the total elected seats be reserved for Sikh community."

" I wish to continue my speech from where I left off. On this point I cannot do better than to quote the following extract from the written opinion of the Chief Khalsa Diwan :—

"The Sikh community welcomes and expresses its gratitude for the decision contained in the report, that the principle of communal representation must be extended to them, on the lines which have hitherto been followed in the case of Muhammadans. The Sikhs look upon this decision with satisfaction as a just recognition of their claims, and they trust that in its actual execution the same rules of representation regarding adequacy and effectiveness will be enforced in their favour as have hitherto been applied in case of Muhammadans. These rules have already been acquiesced in by the leaders of the Hindu and Muhammadan communities in the Congress League Scheme. The Sikh community hopes that when a special committee is constituted to investigate into the conditions of the various Provinces and communities for the constitution of the Councils and electorates, as contemplated in the report, the instructions issued to them on this question will be definite and positive. The leaders of the two major communities have admitted the principle that where Muhammadans are in a minority, they are to have a representation which must at once be adequate and effective and not merely on numerical bases. For example, under the Congress League Scheme Muhammadans in the United Provinces numbering only 14 per cent. of the population, are to have 30 per cent. of the Indian seats. Similarly in Bihar and Orissa, they are 10 per cent. and are allowed 25 per cent., while 4 and 6 per cent. in Central Provinces and Madras respectively are given 15 per cent. of representation each. This principle is substantially in conformity with that which has hitherto been given effect to in the regulation under the Morley-Minto Scheme of Reforms, and has a sound reason underlying it.

" A minority community cannot allow itself to be swamped by the majority vote, purely on numerical bases. The Sikhs are a living and young community, and they understand the principles of democracy and the art of administration. They also understand their duties and responsibilities, and have made and are ready to make sacrifices in discharging them. They are a race of

[Sardar Bahadur Sardar Gajjan Singh.]

men possessing strong potentialities, which mark them out as distinct from their countrymen of other religious persuasions. The present war and their services to the Empire and their achievements in it have brought to them a consciousness which will not be satisfied till pledge given to them by the two responsible ministers of the Crown in a very solemn and formal document, such as the report under discussion is, is carried out and fulfilled in the fullest measure and in all its consequences. The Sikhs who are an effective factor in the defence of their country and the Empire and have always been so ever since their connection with the British, claim and, it is humbly submitted, are entitled to an equally effective voice in the administration of the country.

“In order to show further as to what share of representation the Sikhs are entitled to, we beg leave to make the following extracts from the address which was presented by the Sikhs to the Right Hon'ble the Secretary of State and His Excellency the Viceroy :—

“According to the census figures of 1911 the Sikhs numerically form very nearly 12 per cent. of the population of the Punjab, the actual figures being 2,883,729 out of 24,187,750, with regard to the status and importance in the country and the services and sacrifices in the cause of the Empire, however, we occupy a unique position, unapproached and unapproachable by any other community in India. Our strength in the entire Indian Army is 20 per cent., while among the units recruited from the Punjab, which supplies no less than 60 per cent. of the Indian combatants in His Majesty's Army, we supply no less than third of their entire man-power. Our achievements on all the battlefields of the Empire from the time of the Indian Mutiny of 1857 right up to the present day form some of the most brilliant chapters of the History of the British Empire, and we are proud to be able to say that in all the spheres of action in the present gigantic war, no community in India has proportionately been able to put forth so much man-power or so much sacrifice as our community has done. Nearly one-third of the awards made to the entire Indian Army for deeds of valour performed and daring sacrifices made on the fields of battle during the present War have been won by members of our community. Proportionately the largest numbers of recruits to keep up the fighting strength of the Indian Army have been supplied by us. Our community as a whole from our Premier Ruling Prince His Highness the Maharaja Sahib Bahadur, G.C.I.E, of Patiala, who in the blessed words of Satgurus 'Thine house is mine' is the acknowledged leader of the community, downward to the peasant has spared neither men nor money in this gigantic war, and our all is at the disposal of our gracious King-Emperor in this world war, and we are determined to fight this war of aggression to a victorious issue. It has not been our habit to talk loudly of our services to the Empire or to demand rights and privileges for ourselves from the Government, and that may be the reason why hitherto in all the schemes of Reform and development of the administrative machinery in this country the Sikhs have suffered considerably in comparison with the more articulate sections of their countrymen. We were the rulers of the whole of the Punjab and North-West Frontier Province and Kashmir immediately before the annexation of the former two Provinces to the British India and the handing over of the third by the British to its present ruling family, and as such the memory of a glory immediately preceding the advent of the British is still fresh. Even at the present moment we have a large stake in the country, comprising as we do among ourselves besides the Sikh Ruling Princes no less than half of the aristocracy and the greater part of the landed gentry and peasantry of the Punjab. It is therefore humbly submitted that though numerically a minority, being the third amongst the various communities in India (the Hindus and Muhammadans being the first two respectively), in status and importance, both political and civic, we occupy a position which is second

[*Sardar Bahadur Sardar Gajjan Singh ; Captain Gopal Singh.*]

to none throughout India. Distinguished authors of the scheme having conceded to us the communal representation, the Sikhs look up to the benign Government for the safeguarding of their interests by raising them from this dependent position by the grant to them of one-third of the local number of non-official seats in the Punjab and not less than one-fifth the number of seats in the Imperial Council as the just and equitable share of the Sikhs and to be granted to them as such. A smaller share would in no case be commensurate with their importance, status and services to the Empire though these services have not been rendered for any reward and would in any case be ineffective in all the spheres of the reforms.'

"The only fact which has been pointed out by Hon'ble Fazl-i-Hussain against this was that although requested to attend the Muslim League to come to a settlement we did not do so. I am sure the benign Government will see that we do not suffer for this sin. Another remark was made that we depended on the favours of the Government. I submit, Sir, that we depended on the fairness and justice of the Government, and we thought that it was absolutely unnecessary for us to consult the Congress or Muslim League, and that fiat I am sure, Sir, is now the foremost in the minds of all the Sikhs, and there is absolutely no doubt that one-third of the seats are our due rights. Otherwise, as we have seen to-day, it will be absolutely no use to allow any less number of seats because in that way the interests of minority will not be safeguarded and we will be liable to be swamped by the majority. For these reasons, I beg to propose the resolution which I have read."

The Hon'ble Captain Gopal Singh :—"My Hon'ble friend Sardar Bahadur Gajjan Singh has put forward the case for his community so eloquently and at such great length that I have very little to add to his speech. I may simply request that it is in the interests of the people as well as the Government that the basis of the electorate system should always be based on equitable and just principles with due regard to—

- (1) Population.
- (2) Military and political importance.
- (3) Services rendered.
- (4) Considerations of minority.

"I am glad that the Hon'ble movers of this resolution and resolution No. 8 have put forward the claims of their respective communities so very ably before this Council. I am confident that the President and the Council will consider their claims according to the standard of justice. Taking the claim of Muhammadan brethren first, they claim 50 per cent. in the Punjab on population basis, while in United Provinces and other provinces and more especially in Madras where I believe they are only 6 per cent. they base their claim on minority principle. I am afraid these facts cannot be challenged, and yet in the very next breath the right of Sikhs to obtain rights on the minority principle is questioned. In spite of services, sacrifices and great political importance of the Sikhs the idea of their rights gives an uncomfortable idea to our countrymen. The claims of the Sikhs as an important minority were admitted by the learned authors of the scheme after full consultation with the authorities and after due deliberation. They knew fully well that unless and until they were adequately protected they would be simply swamped away by larger communities. The proposal of Hon'ble Sardar Bahadur Gajjan Singh to set apart the Sikh share before partition of seats between other communities was in no way prejudicial to our Muhammadan brethren. In my humble opinion the Sikhs should in justice be allowed rights in consonance with their services and importance. They hold

[*Rao Bahadur Chaudhri Lal Chand.*]

stake in this province about 50 per cent. as out of 218 chief families, according to Sir Lepel Griffin, 106 are Sikhs. Clause 3rd of Chief Khalsa Diwan's Report clearly points out that the Sikhs in this province pay the largest amount of land revenue. Such being the case I can safely leave the case of my community in the hands of the President and this Council and await for full justice. With these remarks I strongly support the resolution by Hon'ble Sardar Bahadur Gajjan Singh."

The Hon'ble Rao Bahadur Chaudhri Lal Chand :—" Sir, I fully associate myself with the remarks made by the Hon'ble mover regarding the services of the Sikhs, and as most of the Sikhs who rendered those services were Jats, I am equally proud of those services. In order, however, to safeguard the interests of other fighting classes the Hindu Jats, Dogras, Rajputs, Ahirs and Gauṛ Brahmins I propose that the words 'provided the interests of the Hindus are not affected and they get proper representation according to their population and importance' be added."

"I propose that the words 'provided the interests of Hindus are not overlooked and they get proper representation' be added to the resolution."

The amendment fell through for want of a seconder.

The resolution was then put to the vote and lost by 6 votes to 2.

The Hon'ble Rai Bahadur Ram Saran Das proposed a vote of thanks to the chair.

ADJOURNMENT.

The Council then adjourned at 8-15 P.M., to Saturday, the 7th December 1918.

LAHORE :

The 3rd December 1918. }

T. P. ELLIS,

Secretary, Legislative Council.

*ended on
28 Nov*

APPENDIX.

RESOLUTIONS ON AGENDA PAPER REGARDING CONSTITUTIONAL REFORMS.

XV.—The Hon'ble Rai Bahadur Ram Saran Das will move the following resolutions :—

1. This Council recommends to His Honour the Lieutenant-Governor to bring to the notice of the Governor-General in Council and through him of the Secretary of State for India, that this Council is of opinion that with certain modifications to satisfy Indian aspirations, the Scheme of Constitutional Reforms embodied in the report of Lord Chelmsford and Mr. Montagu constitute a substantial step in the direction of responsible Government in India.

2. This Council recommends to His Honour the Lieutenant-Governor to bring to the notice of the Governor-General in Council and through him of the Secretary of State for India, that this Council is of opinion that the provincial contribution from the Punjab to the Government of India, as suggested in the Report on Constitutional Reforms, is very excessive, tending to mar the future development of the Province, and that some other suitable arrangements should be made to put the system of provincial contributions to Government of India on an equitable and fair basis.

XVI.—The Hon'ble Khan Bahadur Mian Fazl-i-Hussain will move the following resolutions :—

3. This Council recommends to His Honour the Lieutenant-Governor to represent to the Government of India that in the matter of Constitutional Reforms the Punjab be placed on the same footing and treated in the same manner as the three Presidencies.

4. This Council recommends to His Honour the Lieutenant-Governor to represent to the Subjects Committee that all the Transferred Subjects mentioned in List II of the Reform Scheme be placed under popular control in the Punjab.

5. This Council recommends to His Honour the Lieutenant-Governor to represent to the Government of India that a system of Reserved and Transferred Subjects similar to that proposed for the provinces be adopted for the Government of India.

6. This Council recommends to His Honour the Lieutenant-Governor to represent to the Government of India that the following improvements be effected in the reforms proposed for the Provincial Executive :—

(i) There should be no additional member or members without portfolios in the Provincial Executive.

(ii) The status and salary of the ministers should be the same as that of the members of the Executive Council.

7. This Council recommends to His Honour the Lieutenant-Governor to represent to the Government of India that the following improvements be effected in the reforms proposed for the Provincial Legislature :—

(i) President and Vice-President to be elected.

(ii) Elected members to constitute a majority of four fifths.

(iii) The proposal to constitute a Grand Committee be dropped; and in case the Executive require some legislation as regards a reserved subject and cannot get it from the Provincial Legislature, it should have the power to refer the matter to the Government of India for the necessary legislation in the usual way. If, however, the Grand Committee is retained, it should be so

constituted that half the members are elected by the Legislative Council, and out of the nominated members no more than two-thirds are officials.

8. This Council recommends to His Honour the Lieutenant-Governor to represent to the Government of India that the proportion of Muhammadans in the Punjab Legislative Council as laid down in the Congress League Scheme be maintained.

XVII.—The Hon'ble Rai Bahadur Raizada Bhagat Ram will move the following resolutions :—

9. This Council recommends to His Honour the Lieutenant-Governor to suggest to the Franchise Committee and to request the Governor-General in Council to provide that

- (a) the strength of the Punjab Legislative Council should not be less than 100 ;
- (b) not less than $\frac{1}{3}$ of the Council should be elected and of the remaining $\frac{2}{3}$ to be nominated by the Government, not more than $\frac{1}{3}$ should be officials.

10. That there should be at least two-ministers responsible to the Legislative Council and elected by members thereof, and that the ministers should occupy the status and draw the same pay as members of the Executive Council.

XVIII.—The Hon'ble Pandit Jawahar Lal Bhargava will move the following resolutions :—

11. This Council recommends to His Honour the Lieutenant-Governor to take steps to secure that the Punjab is, in the matter of constitutional reforms, placed on an equal footing with the three Presidencies and the United Provinces.

12. This Council recommends to His Honour the Lieutenant-Governor to recommend to the Government of India and the Secretary of State for India that the ministers in charge of the Transferred subjects proposed in the scheme of Constitutional Reforms should have perfect equality in status and emoluments with the members of the Executive Councils.

13. This Council recommends to His Honour the Lieutenant-Governor to suggest to the Government of India and the Secretary of State for India that the idea of appointing additional members without portfolios to the Executive Council of Provinces be dropped.

14. This Council recommends to His Honour the Lieutenant-Governor to represent to the Government of India and the Secretary of State for India that the proposal to constitute the Grand Committee in the Provincial Legislature be abandoned, and to provide instead that in cases of legislation on Reserved subjects the Bill may be passed into law if $\frac{2}{3}$ of the members of the Council vote in favour of the Bill. If, however, the proposal is not dropped, the Grand Committee should consist of elected and nominated members in equal number, and out of the latter not more than $\frac{2}{3}$ should be officials.

15. This Council recommends to His Honour the Lieutenant-Governor to recommend to the Subjects Committee that so far as the Punjab is concerned all the subjects shown in the illustrative List II of the Report on Constitutional Reforms be transferred to the control of ministers.

XIX.—The Hon'ble Rai Bahadur Bakhshi Sohan Lal will move the following resolutions :—

16. That this Council recommends to His Honour the Lieutenant-Governor to submit its opinion to His Excellency the Governor-General in

Council that the proposal to appoint additional members without portfolio (paragraphs 214, 218 and 220 of the Report) is open to serious objection and ought to be dropped.

17. That this Council recommends to His Honour the Lieutenant-Governor to submit its opinion to the Governor-General in Council that the number of ministers as proposed to be appointed under the Reform Scheme should be at least three in the Punjab and that their status, privileges and emoluments should be the same as those of the members of the Governor's Executive Council.

18. That this Council recommends to His Honour the Lieutenant-Governor to submit its opinion to His Excellency the Governor-General in Council that in the Punjab, as suggested in paragraph 224 of the Report, Under-Secretaries should be chosen from among the elected members of the Legislative Council.

19. That this Council recommends to His Honour the Lieutenant-Governor to submit its opinion to His Excellency the Governor-General in Council and to the Franchise Committee that regard being had to the population, area, revenue, important political and geographical position, and historical associations of the Punjab—

- (a) This Province should have a Legislative Council of not less than 100 members of whom $\frac{4}{5}$ should be elected.
- (b) The Governor of this Province should have emoluments and status equal to those of the three Indian Presidencies.
- (c) The Governor should be ordinarily selected from among the public men of the United Kingdom possessing Parliamentary experience.
- (d) In the matter of Constitutional Reforms this Province should be placed on equal footing with the three Presidencies of India.

20. That this Council recommends to His Honour the Lieutenant-Governor to kindly submit its opinion to the Franchise Committee and to His Excellency the Governor-General in Council that in the Punjab every male person, not disabled by minority, insanity, insolvency and criminality, should have the right to vote for election to the Legislative Council provided he falls within any of the following categories :—

- (a) Every Jagirdar or land revenue payer of not less than Rs. 250 per annum.
- (b) Every Income-tax payer.
- (c) Every person who pays a house or land rent of not less than the value of Rs. 600 per annum.
- (d) Every person who owns house property worth Rs. 20,000.
- (e) Every non-student matriculate or person holding a Punjab University Diploma on the Oriental side.
- (f) Every person holding a title or honour conferred by Government and published in the Honours list.
- (g) Every Government Darbari.

(The Hon'ble Rao Bahadur Chaudhri Lal Chand will move the following amendments :—

(1) That in clause (a) instead of " Rs. 250 (Land Revenue)," " Rs. 20 " be substituted.

(2) That in clause (b) the following words be added at the end " who pays not less than Rs. 50 income-tax. "

(3) That the clauses (c) and (d) be omitted.

(4) That after clause (g) the following be added :—

- “(h) Every Commissioned Indian Officer whether in service or retired.
 (i) Every Indian soldier who has won a decoration or has been wounded or incapacitated during the present war.
 (j) Every Zaildar.
 (k) Every Safedposh.
 (l) Every Lambardar.
 (m) Every member of the District Board.
 (n) Every Assessor.”]

21. That this Council recommends to His Honour the Lieutenant-Governor to kindly submit its opinion to His Excellency the Governor-General in Council that the President and Vice-President of the Punjab Legislative Council should be elected by the Council itself.

22. That this Council recommends to His Honour the Lieutenant-Governor to kindly submit its opinion to His Excellency the Governor-General in Council that the Council should be empowered to frame its own rules of business and rules for putting questions, moving resolutions and discussion of the annual budget.

XX.—The Hon'ble Rao Bahadur Chaudhri Lal Chand will move the following resolutions :—

23. This Council recommends to His Honour the Lieutenant-Governor to suggest to the Franchise Committee and to request the Governor-General in Council to provide that the electorates for rural and urban population in Punjab should be separate and the number of seats allotted to each group should be in proportion to their population.

[The Hon'ble Rai Bahadur Ram Saran Das will move the following amendment :—

That for the words “rural and urban population” in line 3 of the Resolution the words “agricultural and non-agricultural population” be substituted.]

24. This Council recommends to His Honour the Lieutenant-Governor to suggest to the Franchise Committee and to request the Governor-General in Council that for seats allotted to rural population the candidates should belong to the statutory agricultural tribes of the Province.

XXI.—The Hon'ble Sayad Makhdum Rajan Shah will move the following resolution :—

25. This Council recommends to His Honour the Lieutenant-Governor to suggest to the Franchise Committee and to request the Governor-General in Council to provide that—

- (a) the strength of the Punjab Legislative Council should not be less than 100 ;
 (b) not less than $\frac{4}{5}$ of the Council should be elected and of the remaining $\frac{1}{5}$ to be nominated by the Government, not more than $\frac{1}{2}$ should be officials ;
 (c) the proportion of Muhammadan elected members should be 50 per cent. or at least that fixed by Congress League Scheme.

*Abstract of Proceedings of the Council of the Lieutenant-Governor of
the Punjab assembled for the purposes of making Laws and
Regulations under the provisions of the Government
of India Act, 1915.*

THE Council met at Government House, Lahore, at 10-30 A.M., on Saturday, the 7th December 1918.

PRESENT :

The Hon'ble Mr. HERBERT JOHN MAYNARD, C.S.I., I.C.S., Vice-President—*Presiding*.

The Hon'ble Mr. LEWIS FRENCH, C.I.E., I.C.S.

The Hon'ble Mr. JAMES ALEXANDER RICHEY.

The Hon'ble Captain GOPAL SINGH.

The Hon'ble Khan Bahadur KHAWAJA YUSAF SHAH.

The Hon'ble Mr. OSWALD FARQUHAR LUMSDEN, I.C.S.

The Hon'ble Khan Bahadur SAYAD MEHDI SHAH.

The Hon'ble Pandit JAWAHAR LAL, Bhargava.

The Hon'ble Sardar Bahadur Sardar GAJJAN SINGH.

The Hon'ble Rao Bahadur Chaudhri LAL CHAND.

The Hon'ble Rai Bahadur RAM SARAN DAS.

The Hon'ble Rai Bahadur Pandit SHEO NARAIN.

The Hon'ble Rai Bahadur Bakhshi SOHAN LAL.

The Hon'ble Sayed Makhdum RAJAN SHAH.

The Hon'ble Mr. DAVID WANN AIKMAN.

The Hon'ble Mr. CREWE ARMAND HAMILTON TOWNSEND, I.C.S.

The Hon'ble Khan Sahib Mirza IKRAM ULLAH KHAN.

The Hon'ble Mr. HENRY DUFFIELD CRAIK, I.C.S.

The Hon'ble Khan Bahadur Malik MUHAMMAD AMIN KHAN.

The Hon'ble Colonel R. C. MACWATT.

The Hon'ble Mr. THOMAS PETER ELLIS.

PAPERS LAID ON THE TABLE.

Answer* to Question No. 25 asked by the Hon'ble Captain Gopal Singh at the Council meeting of the 20th November 1918.

*See Appendix A.

[Mr. Lumsden.]

THE SIMLA HOUSE ACTS AMENDMENT BILL.

The Hon'ble Mr. Lumsden presented the Report of the Select Committee on the Bill to amend the Simla House Act. He said :—

"Sir, I beg to present the Report of the Select Committee on the Bill to amend the Acts regulating the rents and occupation of houses in Simla. I have already explained the Bill at some length at the previous meeting and it is unnecessary for me to add anything except to refer to the few changes that have been made after a lengthy and exhaustive discussion by the Select Committee.

"The first change is merely due to a clerical error by which the disjunctive is left out in clause 5 (2) of the Bill. The clause as it first stood in the Bill was really meaningless without the addition of the small word 'or' after the word 'section.' The clause will now read: 'Any dispute between the landlord and the tenant or tenants in regard to any increase of rent claimed under this section or in regard to the apportionment of any such increase among the tenants shall be decided by the House Accommodation Committee.'

"The second change which has been made is the addition of a proviso to the new section which will be found under clause 6 of the Bill, namely, section 5-A. The proviso runs as follows :— 'Provided that where the House Accommodation Committee refuses to grant such sanction it shall state its reasons for such refusal in writing.' That has been added to meet the wishes of some of the Hon'ble Members and I do not think that it will give rise to any discussion. There seems to be some sort of fear that the House Accommodation Committee, which is a body composed of high officials and representatives of the house-owners, will use their powers in an arbitrary manner. I consider this fear to be entirely without foundation, but this proviso is expected to re-assure the house-owners and the necessity for a statement of reasons should remove any cause of complaint about this section.

"Then the third and last change is the change in clause 9 (b). As the Bill was introduced the clause ran as follows: 'in which the landlord or his family has resided continuously in 1917 and subsequent years.' The change in this clause was, as I explained before, to prevent any cases of what might almost be called dishonesty on the part of landlords who in order to save their houses from appropriation informed the House Accommodation Committee that they intended to occupy their houses whereas they had no intention whatever of doing so. As soon as the period for appropriation was passed they were able by this means to let their houses to unentitled tenants or else in the alternative to leave the houses vacant during the season. In either case the action helped to defeat one of the main objects of the Act which, as Hon'ble Members all know, was to provide as much accommodation as possible for those who were compelled to reside in Simla on duty. This change was considered by the non-official members of the Committee to be rather drastic. They were very anxious that nothing should be done even to suggest that landlords who wished to occupy their houses *bond fide* should not have that power, and after a lengthy discussion as to how effect was to be given to these wishes we decided to alter the form of this sub-clause and to substitute the following words :— 'which the landlord *bond fide* requires for the residence of himself or his family.'

"These are the whole changes which have been made in the Bill in Select Committee and as I have already explained the object of the Bill is not to extend the enforcement of the Act in any way but merely to prevent certain dishonest or law-breaking landlords and tenants from evading its provisions

[*Bakhshi Sohan Lal*; *Pandit Jawahar Lal, Bhargava*; *Mr. Maynard*; *Mr. Lumsden*.]

I may mention that at the Select Committee one non-official member suggested that clause 5-A was unnecessary, because although the House Accommodation Committee had recommended action of the kind there had been only two or three cases where eviction had been resorted to. I had no definite information on the point at the time when the Select Committee met. But I informed the Committee that the President of the House Accommodation Committee had told me that such cases were numerous. However, to make certain, I wired to the Deputy Commissioner, Simla, and have just received a reply to the effect that there have been not two or three but 46 cases during the year. I just mention this to satisfy the member of the Select Committee who raised the point. With these few words I beg to present the Report of the Select Committee and move that the Report be taken into consideration."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—"Sir, I regret I have to object to the Report of the Select Committee on the Bill to amend the Simla House Act, I of 1918, being taken into consideration in to-day's meeting of this Council as the copy of the Report was not furnished to me or to any other member one week before hand as required by rule 16 for the introduction, consideration and making of Laws and Regulations. It appears that the Select Committee did not meet before 5th December 1918 and the Report was not printed till 6th December. I got printed copy of the Report at 3 P.M. on 6th December and I believe some of the members did not get it before to-day.

"There is another legal defect in the Report which is irremediable, *viz.* the Report does not state, as required by rule 12 (3), whether the publication of the Bill ordered by rule VII has taken place and the date when the Bill was published; nor whether the Bill had not been so altered as to require its republication.

"There is one more legal defect which prevents the Report being taken into consideration at this stage. Rule 11 (b) (i) provides that the Report of the Select Committee on the Bill shall be made as soon as possible after the close of two months from its publication in Gazette. This means that the Select Committee cannot make its Report before the expiry of full two months from the publication of the Bill in the Gazette. The Bill was introduced in this Council on 20th November 1918 and was for the first time published in the *Punjab Gazette* of 22nd November 1918. The question is whether under rule 11 (b) (i) as it stands the Select Committee could make its report before the expiry of two months; the Council of 20th November 1918 when referring the Bill to a Select Committee not having directed under clause (ii) rule 11 that the Report be made at any time.

"The matter is not of such great emergency or urgency as to justify the suspension of all the rules of business.

"So my humble objection is that this Report cannot be taken into consideration according to the rules of business of this Council."

The Hon'ble Pandit Jawahar Lal, Bhargava :—"Sir, I support the objections which have been raised by the Hon'ble Bakhshi Sohan Lal, though they are no doubt of a technical nature. As some of the rules of business have not been observed, I am afraid the Bill cannot be taken into consideration at this time."

The Hon'ble Mr. Maynard :—"Has the Hon'ble Member-in-charge of the Bill any observations to make on this?"

The Hon'ble Mr. Lumsden :—"Sir, I admit to some extent the justice of the criticism offered by the Hon'ble Members, but I think this is a case in which it will be appropriate for you, Sir, to suspend the rules of business. The first objection is that the copy of the report was not submitted to

[*Mr. Lumsden ; Rai Bahadur Bakhshi Sohan Lal.*]

to Members one week before the time of its consideration. The Hon'ble Member is perfectly right in pointing out that this is the ordinary procedure but it is open to you, Sir, to suspend the rules and allow the report to be taken into consideration to-day. This is clearly laid down in rule 16 and, as members are well aware, the date of this meeting was fixed at such a time that it would not have been possible for the report to be submitted in the full statutory period. I would ask you therefore, Sir, to exercise your powers and over-rule the one week period. The report is of an extremely simple character; and it is also unanimous. For these reasons it seems to me that it should not be beyond the powers of the Hon'ble Members to take this Bill into consideration without further delay.

"I presume that the report has been sent for publication but I am afraid I am ignorant on the point. This is not done by the Member-in-charge, but in any case the defect is of a very mild and purely formal character and I think here again you might properly use your powers in over-ruling the objection.

"The third objection is that the Bill has been considered in Select Committee less than two months since the Bill was first published in the Gazette. That is correct. I understand that the Bill was published in the Gazette of the 22nd of November and consequently not more than three weeks have elapsed since its publication. But here again the Council has in its power to make a direction that a Select Committee shall present its report at any time and we must assume from the fact that no objection was raised to the date of the meeting which was fixed for this day, especially as it was distinctly stated that this Bill will be taken into consideration at the next meeting, it must, I say, be assumed that the Council directed that the Bill should be produced on the present day, in other words, Hon'ble Members themselves have over-ruled the provisions of rule 11 (b).

"The Hon'ble Member has concluded by saying that he does not consider that there is such emergency or urgency as to justify the suspension of the rules of business. I cannot accept this view, because unless we can get the Bill passed this year it will be of little or no use for the ensuing season. It is most important that the Bill should be passed at this meeting, if it is to have any effect. The Bill is an urgent War measure and every moment is of importance in a case like that. I cannot think that any reasonable objection can be raised to the suspension of the rules of business. The term of the Bill itself is very limited and, as I have already explained, its scope is merely to stop loopholes for dishonest landlords and tenants with whom I think no Hon'ble Member can have any sympathy. For these reasons, Sir, I would ask you to suspend the rules of business and allow the consideration of the report."

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—"Sir, I respectfully submit that there is no special reason for suspending the rules of business and as a matter of fact though so far as the objection of one week's requirement under rule 16 goes, the President has the power to suspend any of the rules, but the other objection that the Bill must remain on the Gazette for at least two months before any report of the Select Committee can be made, cannot be over-ridden at all. The object was that the public may have sufficient time to consider the Bill and to bring in any objections which they think necessary to the notice of the Select Committee and that is the reason why a Select Committee cannot make its report before the expiration of two months. That principle is altogether wiped out if the rules of business be suspended in this matter and this rule does not provide that the President will suspend the rules of business so far as rule 11 is concerned. So the requirements of rule 11 cannot be suspended at all. They were for the benefit of the Select Committee itself that

[*Rai Bahadur Bakhshi Sohan Lal ; Rai Bahadur Pandit Sheo Narain.*]

the Select Committee may have time to consider it and the public may have time to consider and discuss the Bill in the papers and bring all their objections to the notice of the Select Committee before they make a report. So I should say that the report of the Select Committee is premature and this cannot be over-ridden at all nor can the third objection be over-ridden. It is compulsory for the report to state on its very face that a publication ordered by the rule or by the Lieutenant-Governor under rule 7 has taken place. The report does not say that the Bill was published, though I for myself personally know that the Bill was published on the 22nd of November. But the general public does not know, and it is required that the report should state distinctly that the Bill was published in the Gazette. It is not a direction which can be overlooked or disregarded at all. Also the Bill should say that the Select Committee ought to consider and discuss and to report distinctly whether it is necessary or it is unnecessary to republish the Bill. Of course some alterations have been made and it had to be decided by the Select Committee whether it was or was not necessary to republish the Bill on that account. The alteration is not an immaterial one ; there are very serious objections to it whether it has fully met with the objections of the land-owners or of the tenants. So my humble contention is that it was the last meeting that could direct under (ii) of rule 11. In the last meeting there was no direction that the report could be made at any time. That direction ought to have been made in the Council by the Council itself by putting the question before the Council and by taking votes and passing a resolution that the report can be taken at any time before the close of two months. This work ought to have been done on the 20th when the Bill was introduced and referred to the Select Committee. At that time there was no question that the Select Committee may meet before two months and make a report against the provisions of clause (i) of rule 11. At the same time there was no announcement in the meeting of 20th November that the next meeting would be held on the 7th December. So the members could not possibly know that this Bill was meant to come again before the Council before the expiry of two months. We all know that the Bill has to remain on the Gazette for at least two months before the Select Committee can make its report. These are the necessary objections which cannot be disregarded on any account. So I respectfully submit that these objections must prevail and the Bill must remain at least two months on the Gazette before the report can be taken into consideration."

The Hon'ble Rai Bahadur Pandit Sheo Narain :—" Sir, as regards the discretion vested in you in regard to the suspending of certain rules of business, I beg to state that I am with the mover in this matter. But in regard to the other matter whether the Bill should remain on the Gazette for full two months I am afraid I have to support the Hon'ble Bakhshi Sohan Lal, though personally I would have liked the discussion to-day on the Report and the matter to end. But I am apprehensive of the fact that until a legislation is properly carried through the Council with all the formalities it is quite possible that in future some objection of the *ultra vires* of the Act may be urged and the courts may possibly have to decide that before the Act received the assent of His Honour the Lieutenant-Governor and also of the Viceroy the initial proceedings were bad in law. Secondly, I am not for running that risk because the Bill is of great importance and everything should be assured as to its validity. I have no desire that any delay should be occasioned to enable any more representations of any sort from the land-owners or house-owners. The Bill as framed will very likely, subject to any discussion that may take place on the words used in the clause, be found satisfactory. To meet the wishes of those who think that the Bill ought not to attach their private right of occupation for themselves or their families I would submit for your consideration, Sir, that every formality is essentially necessary before any enactment is said to be entirely legal."

[Mr. Lumsden ; Mr. Maynard ; Rai Bahadur Pandit Sheo Narain ;
Mr. Townsend ; Mr. French ; Rai Bahadur Ram Saran Das.]

The Hon'ble Mr. Lumsden :—“ I can assure the Council that the Hon'ble Member in charge shares the desire that the Bill should not be *ultra vires* in any way. I think however that both the Hon'ble Pandit Sheo Narain and the Hon'ble Bakshi Sohan Lal, who have urged these objections, are entirely incorrect in stating that the President has no powers of suspending the rules of business connected either with the two months' publication or the other rule regarding the publication in the Gazette. I would refer the Hon'ble Members to rule 16, the concluding words of which are 'unless the President, in exercise of his power to *suspend any of these rules*, allows the report to be taken into consideration.' That to my mind is perfectly complete proof that the President can suspend any of the rules referred to in part III of the rules dealing with Select Committees. It is impossible for any other interpretation to be placed on these words and I submit that you, Sir, have complete power to suspend any of the rules relating to the proceedings of the Select Committee. I would ask you to exercise that power and in view of the urgency of this case to suspend all necessary rules. I do not accept the arguments on the point of the two months' notice because I specially mentioned in the last Council that the Bill would have to be passed before the end of the year. No objection was raised at the time of the last meeting and I still maintain that it amounted to the direction of the Council that the Report of the Select Committee was to be presented to-day and that the two months' period was not to be insisted upon. However, even admitting that my contention is wrong I submit that you, Sir, as President, may proceed to suspend rule 11 (b) (i), rule 12 and rule 16, and I would ask you in view of the necessity of passing the Bill to do so.”

The Hon'ble Mr. Maynard :—“ It will be an important relevant point in coming to a conclusion on this question if any member can tell me whether the Simla house-owners, who are the persons principally concerned, had received notice of the Bill and whether they held a meeting to express their opinion on the proposed amendments. That would give me some idea whether the formalities which have been neglected, actually deprived the people concerned of forming and expressing their opinion on the provisions of the Bill.”

The Hon'ble Rai Bahadur Pandit Sheo Narain :—“ Sir, I believe some meeting of the house-owners of Simla was held and that something has appeared in the Press in regard to it. I have no direct information, but from what I have gathered from the *Tribune* and I believe the *Civil & Military Gazette* also, under the signature of a gentleman who is one of the house-owners, a meeting had occurred. They certainly had knowledge of the Bill as originally framed.”

The Hon'ble Mr. Maynard :—“ That was my impression, but I wished it to be confirmed by any of the Hon'ble Members.”

The Hon'ble Mr. Lumsden :—“ We have got a memorial from the land-owners on the subject. All the members have received copies of the memorial of the house-owners.”

The Hon'ble Mr. Townsend :—“ I have got a copy of the memorial.”

The Hon'ble Mr. French :—“ May I say, Sir, that the Select Committee had before them a memorial which was sent by a large number of house-owners of Simla stating their objections to this Bill.”

The Hon'ble Rai Bahadur Ram Saran Das :—“ And one of the signatories to the memorial was a member of the House Accommodation Committee,

[*Rai Bahadur Bakhshi Sohan Lal ; Mr. Maynard ; Mr. Lumsden ; Khan Bahadur Khawaja. Yusaf Shah ; Pandit Jawahar Lal Bhargava.]*

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—“ Will you permit me to say that it is not only the house-owners who are to be affected by the Bill or by the amendments? The tenants are to be affected more than the house-owners and the number of tenants is much larger than the number of house-owners. And there is nothing to show that tenants have also been able to consider the amendment which has taken place. It is not necessary that the house-owners should not have further time to consider the matter or the public to raise any objection. My contention is that rule 11 requiring the Bill to stand on the Gazette for two months when it is to be referred to a Select Committee is absolutely necessary unless the Council itself at that time held that there was no such necessity.”

The Hon'ble Mr. Maynard :—“ So far as the interpretation of the rules goes, it is clear that the President has the power to suspend any of the rules to which attention has been drawn. That, of course, does not mean that the President would necessarily exercise that power. The question to be taken into account is whether the formalities which were not observed were of such a character that those who had a right to have the opportunity of expressing their views upon the Bill had an opportunity of properly considering and ventilating the proposals or whether any Hon'ble Member of the Council was deprived, by the neglect observed in certain formalities, of studying the Bill in time to formulate his views on the subject. It is a very important relevant fact that the house-owners of Simla, both Europeans and Indians, assembled at a meeting on the 26th November and I understand they actually made a representation which was forwarded to the Select Committee. There is nothing, I hold, which necessitated or made it necessary for the Hon'ble Members to make a longer study. I therefore in exercise of the power conferred on me, suspend the rules and allow that the report of the Select Committee be taken into consideration.”

The Hon'ble Mr. Lumsden.—“ Sir, I beg to move that the report of the Select Committee be now taken into consideration.”

The Hon'ble Khan Bahadur Khawaja Yusaf Shah.—“ Sir, the Bill as amended by the Select Committee meets the grievance of both landlords, and tenants, and I think that the Bill, as it stands, should be passed.”

The motion that the report of the Select Committee on the Bill to amend the Acts regulating the rents and occupation of houses in Simla, be taken into consideration, was put and agreed to by 16 votes to 2.

The Hon'ble Mr. Lumsden :—“ Sir, I beg to move that the Bill as amended be now passed. I do not think I need add anything to what I have already said. The changes will make no difference whatever to the honest and *bona fide* landlords or tenants. The only people who will be affected are those who have been evading or attempting to evade the provisions of the Act. For this reason I feel sure that the passing of the Bill will be unanimous.”

The Hon'ble Pandit Jawahar Lal, Bhargava :—“ Sir, I beg to move one or two amendments. The first is that in section 4 (1) of clause 3 the words *and any such excess shall be irrecoverable, notwithstanding any agreement to the contrary* be omitted. They are, I think, redundant. When it has been provided that the agreement shall be null and void it is clear that the agreement will not be enforceable at law and therefore these words are not necessary

“ My next amendment is that the words.”

The Hon'ble Mr. Lumsden :—“ I rise to a point of order, Sir. We should have the amendments one by one. I think we ought to have the amendments to the Bill proposed, seconded and considered one by one.”

The Hon'ble Mr. Maynard :—“ The amendments will be taken one by one.”

[*Rai Bahadur Bakhshi Sohan Lal ; Mr. Lumsden ; Rai Bahadur Pandit Sheo Narain ; Pandit Jawahar Lal Bhargava.*]

The Hon'ble Rai Bahadur Bakhshi Sohan Lal :—" I second the first amendment proposed by the Hon'ble Pandit Jawahar Lal, Bhargava."

The Hon'ble Mr. Lumsden :—" Sir, I hardly think I need say much on this amendment. The insertion of these words is exactly in keeping with the objects of the Act. The words in the original Act run as follows :—' and any agreement for the payment of rent in excess thereof shall be null and void in respect of such excess and shall be construed as if it was an agreement for payment of rent of the same amount or at the same rate as was payable for the year 1917.' The House Accommodation Committee thought it better that it should be made perfectly clear that the courts should have no power to interfere in a matter of that kind. It is a natural corollary to what has gone before. The words have merely been inserted to make the position perfectly clear. In practice it is merely a matter of interpretation and it does not involve any new principle. It merely makes clear the meaning of the Act. I do not think there can be any possible objection to the inclusion of these words."

The Hon'ble Rai Bahadur Pandit Sheo Narain :—" I agree with the Hon'ble Mr. Lumsden that the words may remain. It is only extra precaution to avoid any possible misinterpretation. There is no harm likely to be done and it only makes the words perfectly explicit."

The motion that the words "and any such excess shall be irrecoverable notwithstanding any agreement to the contrary," be omitted from section 4 (1) of clause 3 was put and lost.

The Hon'ble Pandit Jawahar Lal, Bhargava :—" My next amendment is that a proviso be added to section 5 A of clause 6 in the Bill ' *Provided further no such sanction shall be necessary if the landlord bonâ fides requires the house for the residence of himself or his family.* That appears to be the object of making this alteration by the Select Committee but it does not cover cases in which the landlords have purchased houses occupied by some tenants and they want to evict those tenants and the tenants do not like to give possession to the purchasers. They will have to go to courts and it is just possible that the House Accommodation Committee may not grant sanction and the principle will remain the same. The landlord should not be deprived of that right which is given to him under section 8. Section 8, of course, provides that when the House Accommodation Committee wants to appropriate the house for the first occasion but if a landlord wants to have the house vacated for his private use there is no provision for it and this provision is necessary under section 6."

The Hon'ble Rai Bahadur Pandit Sheo Narain :—" I second the amendment."

The Hon'ble Mr. Lumsden :—" I must oppose this amendment. It seems to me in the first place altogether unnecessary. We have in the House Accommodation Committee a body in which the interests of house-owners are largely represented; a body which includes among its members various high officials. It can hardly be expected that a body of this kind will exercise its powers in an arbitrary way. And I may mention that while a year's experience has shown that many complaints have been made against house-owners, not a single complaint, to the best of my recollection, on the part of any landlord has reached Government in connection with the exercise of the functions of the House Accommodation Committee. We have on the one hand frequent complaints on the part of the Committee of the action of the landlords and in return not a single complaint by the landlords against the Committee. Do these facts suggest that during the next year or two or so long as the Bill is in force the House Accommodation Committee will suddenly change and become an arbitrary body. That is one point. The second point is that we are already safeguarding the interests of landlords to the fullest extent. It is open to the House Accommodation Committee to grant permission to any landlord to eject any tenant. All that is required is that the House Accommodation Committee shall be satisfied that some good ground exists. It

[Mr. Lumsden; Pandit Jawahar Lal Bhargava; Mr. Maynard.]

has also been pointed out by the Hon'ble Mover of the amendment that a further clause section 8 (b) which has been slightly amended by the Select Committee now provides that the landlord wishing *bona fide* to reside in a house can do so. With these provisions any further amendment seems to be quite unnecessary. There is also another point. The case the Hon'ble Member had in mind was the case of a man who had recently purchased a house in Simla. Well, in a case like that the principle of *caveat emptor* applies. The man who purchases a house in Simla knows perfectly well that he does so at his own risk, because every one knows that the House Accommodation Act is in force and that possibly he may have some difficulty in securing possession. If in these circumstances he chooses to buy a house he obviously knows what he is doing. But I do not lay much stress upon that although it is a point to be considered. In any case I feel perfectly sure that the House Accommodation Committee will have no hesitation in granting the request of an applicant if it is reasonable."

The Hon'ble Pandit Jawahar Lal Bhargava :—"As regards the objection that the purchaser must know the principle of *caveat emptor* I humbly beg to differ from the Hon'ble Member-in-charge, as that principle will not apply to such cases but will only apply to the question of title. The question of possession or occupation is not covered by that principle. However, when the Act is to be modified and it is before the Legislative Council, the Council should see whether it would be unjust or hard upon the purchaser, not to give the concession which is already given to a person who is already an owner. This provision has been made in clause 8 (b) when the house is to be appropriated for the first time and the same principle is to be extended to a person who is a recent purchaser or even after a house has been appropriated by the House Accommodation Committee. The purchaser wants to have a tenant who may be troublesome or undesirable to him or to occupy the house himself. So I submit that this amendment is very necessary in the interests of the landlords. Of course no one is in sympathy with a dishonest landlord who wants to evict a tenant unnecessarily, but it is absolutely essential that if he requires for his own use a house which has been appropriated he should be given an opportunity to do so and there should be no restriction."

The motion that at the end of section 5 A of clause 6 the following proviso be added :—"provided further that no such sanction should be necessary when the landlord *bona fide* requires the house for the residence of himself or his family" was put and lost.

The Hon'ble Mr. Maynard :—"Is there any further amendment which the Hon'ble Pandit Jawahar Lal wishes to put forward?"

The Hon'ble Pandit Jawahar Lal Bhargava :—"No, Sir."

The motion that the Bill to amend the Acts regulating the rents and occupation of houses in Simla as amended by the Select Committee be passed was put and agreed to.

THE PUNJAB MUNICIPAL ACT AMENDMENT BILL.

The Hon'ble Mr. Lumsden :—"Sir, I beg to move that this small Bill namely, a Bill to amend the Punjab Municipal Act, 1911, be now taken into consideration. I have already explained the objects of the Bill, its purpose and the reasons for its introduction, and I do not think I need say anything more at the present time."

The motion was put and agreed to.

The Hon'ble Mr. Lumsden :—"I beg to move that the Bill be now passed."

The motion was put and agreed to.

-ADJOURNMENT.

The Council then adjourned *sine die*.

LAHORE:

T. P. ELLIS,

The 7th December 1918.

Secretary, Legislative Council

APPENDIX A.

SEE ANSWER TO QUESTION NO. 25 ASKED BY THE HON'BLE CAPTAIN
SARDAR GOPAL SINGH AT THE NEXT MEETING HELD ON THE
20TH NOVEMBER 1918.

Answer by the Hon'ble Mr. H. D. Craik, I.C.S.

"25. A statement giving the information is laid on the table."

Statement showing by religion the permanent clerical establishment of the
courts of the District and Sessions Judges in the Punjab.

District.	Hindus.	Muham- madans.	Sikhs.	Christians.
Ampala	7	9	1	...
Karnal	3	6	...	...
Ludhiana	3	5	1	...
Jullundur*	17	19	1	...
Hoshiarpur	3	6	...	...
Kangra				
Amritsar	6	4	...	...
Gurdaspur	3	6	...	...
Sialkot	6	3	...	...
Gujra'wala	4	3	...	...
Montgomery	3	4	1	...
Lahore	11	2	...	...
Ferozepore	1	5	1	1
Hissar	2	6	1	...
Multan	3	4	2	...
Dera Ghazi Khan	2	6	...	...
Jhelum	3	4	2	...
Rawalpindi	2	6	1	...
Ath	6	4	1	...
... ..	4	3	...	...
... ..	4	5	1	...
... ..	3	5	1	...
Total	96	116	14	1